

**EXHIBIT A**

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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

STANFORD HOSPITAL & CLINICS and  
LUCILE PACKARD CHILDREN'S  
HOSPITAL,

Petitioners,

vs.

SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 715,

Respondent.

Case No: 5:07-CV-05158-JF

APPENDIX IN SUPPORT OF  
STANFORD HOSPITAL AND CLINICS  
AND LUCILE PACKARD CHILDREN'S  
HOSPITAL'S MOTION TO COMPEL  
FURTHER RESPONSES TO DISCOVERY  
REQUESTS

Date: August 27, 2008  
Time: 9:30 A.M.  
Dept: Courtroom 4, 5th Floor

Judge: Hon. Jeremy Fogel  
Magis. Judge: Hon. Richard Seeborg

SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 715

Petitioner and Counter-  
Respondent,

vs.

STANFORD HOSPITAL & CLINICS and  
LUCILE PACKARD CHILDREN'S  
HOSPITAL

Respondents and Counter-  
Petitioners.

Case No: 5:08-CV-00213-JF

Judge: Hon. Jeremy Fogel

APPENDIX IN SUPPORT OF MOTION TO COMPEL FURTHER  
RESPONSES TO DISCOVERY REQUESTS  
CASE NOS. 5:07-CV-05158-JF, 5:08-CV-00213-JF, 5:08-CV-00215-JF;  
5:08-CV-00216-JF; 5:08-CV-01726-JF; 5:08-CV-01727-JF

///

SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 715

Petitioner,

vs.

STANFORD HOSPITAL & CLINICS and  
LUCILE PACKARD CHILDREN'S  
HOSPITAL

Respondents.

Case No: 5:08-CV-00215-JF

Judge: Hon. Jeremy Fogel

SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 715

Petitioner,

vs.

STANFORD HOSPITAL & CLINICS and  
LUCILE PACKARD CHILDREN'S  
HOSPITAL

Respondents.

Case No: 5:08-CV-00216-JF

Judge: Hon. Jeremy Fogel

SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 715

Petitioner,

vs.

STANFORD HOSPITAL & CLINICS and  
LUCILE PACKARD CHILDREN'S  
HOSPITAL

Respondents.

Case No: 5:08-CV-01726-JF

Judge: Hon. Jeremy Fogel

SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 715

Petitioner,

vs.

STANFORD HOSPITAL & CLINICS and  
LUCILE PACKARD CHILDREN'S  
HOSPITAL

Respondents.

Case No: 5:08-CV-01727-JF

Judge: Hon. Jeremy Fogel

Stanford Hospital And Clinics And Lucile Packard Children's Hospital (the "Hospitals") submit this Appendix in support of their motion to compel responses to requests for production of documents ("RFPs") propounded on Service Employees International Union, Local 715. Civil Local Rule 37-2 requires a motion to compel to set forth each request and disputed response in full and for each request detail the basis for the party's contention that it is entitled to receive the requested discovery. Due to the large number of disputed discovery responses, the Hospitals are setting forth the requests, responses and arguments pertaining thereto in this Appendix, while the Memorandum of Points and Authorities in support of the Motion sets forth the Hospitals arguments in a more summary fashion.

**REQUEST FOR PRODUCTION NO. 1:**

Produce all DOCUMENTS and WRITINGS RELATING TO the identification of counsel representing LOCAL 715 regarding the issues which are the subject of the COMPLAINT.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. The Request is vague as to the meaning "identification of counsel representing Local 715 regarding issues which are the subject of the COMPLAINT." Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the

1 First Amendment of the United States Constitution, and on public policy grounds.

2 Petitioner further objects to this Request on the ground that the matter seeks unreasonably  
3 to intrude upon the right of privacy to the personal financial affairs of third parties.

4 Discovery is continuing. Petitioner reserves the right to alter, amend, modify  
5 and/or supplement this response at a later time, up to and including at the time of trial.

## 6 **ARGUMENT**

7 Local 715 objects that the request is “overbroad, unduly burdensome, onerous and  
8 vague and ambiguous as to time and scope.” It is well-established that a party responding  
9 to requests for admissions must do more than make generalized boilerplate claims of  
10 overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974  
11 (E.D.Cal. 2007) (Slip Op. at 10) (“Objections that are not sufficiently specific, such as  
12 statements that requests are overly broad, burdensome, or oppressive, are waived.”);  
13 *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) (“it is well-settled  
14 that all grounds for objection must be stated with specificity.”); *Josephs v. Harris*  
15 *Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) (“The litany of overly burdensome,  
16 oppressive, and irrelevant does not alone constitute a successful objection to a discovery  
17 request.”). Local 715 makes no attempt to describe the nature of the burden or  
18 oppression that would be visited upon it by complying with the Hospitals’ discovery  
19 requests. Nor does Local 715 attempt to quantify the degree of burden that it would  
20 experience.

21 Local 715 further objects that the request is “vague, ambiguous, and  
22 unintelligible” on the grounds that “it is in reference to include alleged action on behalf  
23 of multiple parties and at multiple periods of time.” This objection is itself unintelligible.  
24 The fact that a request calls for documents that relate to “multiple parties” or “multiple  
25 periods of time” is not a legitimate reason to refuse to respond. The subject matter of the  
26 request – the identity of counsel for Local 715 concerning the issues that are the subject  
27 of the complaint – is easily understood. Local 715’s assertion that the language used in  
28

1 the request is vague is without merit.

2 Local 715 asserts that production of documents is excused due to a privilege or  
3 other protection. The privileges and protections identified are the attorney-client  
4 privilege, the attorney work product doctrine, the National Labor Relations Act  
5 (“NLRA”) The First Amendment to the United States Constitution (“First Amendment”)  
6 and unspecified “public policy grounds.”

7 Initially, it is unclear (and Local 715 does not explain) why any of the requested  
8 documents would be privileged or protected by the First Amendment or the NLRA.  
9 Local 715 reference to “public policy” without identification whatsoever of the public  
10 policy that would prevent the disclosure of otherwise discoverable documents is not a  
11 valid ground for refusing to produce documents. However, even assuming that the First  
12 Amendment, the NLRA, or a “public policy” might privilege or protect some of the  
13 requested documents, the Federal Rules are clear that a party must do more than simply  
14 assert privileges or protections in order to preserve otherwise legitimate objections.

15 Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is  
16 withheld based on a claim of privilege or protection for trial preparation material (i.e.  
17 work product protection), the party must “describe the nature of the documents,  
18 communications, or tangible things not produced or disclosed – and do so in a manner  
19 that, without revealing information itself privileged or protected, will enable other parties  
20 to assess the claim.” F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or  
21 protection does not constitute a valid objection and may result in the waiver of any  
22 privilege or protection that may exist. *Burlington Northern & Santa Fe Railway*  
23 *Company v. United States District Court For The District Of Montana*, 408 F.3d 1142,  
24 1147-1148 (9th Cir. 2005) (“boilerplate assertion of an evidentiary privilege in response  
25 to a discovery request does not satisfy the demands of Rule 26(b)(5)”).

26 Local 715 has not even attempted to produce this required “privilege log” to  
27 support its objections, and enable the Hospitals to evaluate its claims of privilege. Local



1 715 did not explain the categories of documents that are allegedly privileged or protected,  
 2 or even explain why the asserted privileges or protections are applicable to any  
 3 documents. Such patently insufficient objections are not only legally deficient, they are  
 4 indicative of bad faith and should result in the waiver of any privilege or protection that  
 5 may have otherwise existed (if any).

6 Local 715's objections that production would violate the privacy rights of certain  
 7 unidentified third parties. In federal court cases such as the present one, where the  
 8 court's jurisdiction is based on a federal question, federal, rather than state, privacy law  
 9 governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously,  
 10 where a party objects to discovery requests, those objections must be stated with  
 11 specificity. Here, as with Local 715's other objections Local 715 has failed to provide  
 12 any specifics regarding the basis of its privacy objection. The objection is therefore  
 13 defective and waived. Furthermore, the right to privacy (to the extent that it applies here  
 14 at all) is not absolute, but must be weighed against the need for the information. *Ragge v.*  
 15 *MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare  
 16 assertion of third party privacy rights gives no means to evaluate the claim and balance it  
 17 against the Hospitals' need for discovery.

18 Local 715 objects that the requested documents are not relevant. The documents,  
 19 however, pertain to the identity of legal counsel representing Local 715. This is among  
 20 the topics that the Court approved as proper areas for discovery.

21 Finally, there are responsive documents in the Hospitals' possession that it  
 22 believes are in the possession of Local 715, but which were not produced. For example,  
 23 the Hospitals are in possession of letters to and from persons purporting to represent  
 24 Local 715 on the issue of the identity of those providing legal representation to Local 715  
 25 and the nature of such representation. [Declaration Of Eileen Ridley In Support Of  
 26 Motion To Compel ("Ridley Decl.") Exh. XX.] None of these letters were produced. It  
 27 is likely that there are other documents not specifically known to the Hospitals, which

were also not produced. Local 715 should be ordered to make a complete response to this request and sanctions should be imposed.

**REQUEST FOR PRODUCTION NO. 2:**

Produce all DOCUMENTS and WRITINGS RELATING TO the present or future representative capacity of LOCAL 715 regarding any employees of RESPONDENT from June 30, 2005 to the present.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. This Request is also vague as to the meaning of “present or future representative capacity of Local 715 regarding employees of Respondent from June 30, 2005 to the present.” Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including the time of trial.

**ARGUMENT**

Local 715 objects that the request is “overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope.” It is well-established that a party responding



1 to requests for admissions must do more than make generalized boilerplate claims of  
 2 overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974  
 3 (E.D.Cal. 2007) (Slip Op. at 10) (“Objections that are not sufficiently specific, such as  
 4 statements that requests are overly broad, burdensome, or oppressive, are waived.”);  
 5 *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) (“it is well-settled  
 6 that all grounds for objection must be stated with specificity.”); *Josephs v. Harris*  
 7 *Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) (“The litany of overly burdensome,  
 8 oppressive, and irrelevant does not alone constitute a successful objection to a discovery  
 9 request.”). Local 715 makes no attempt to describe the nature of the burden or  
 10 oppression that would be visited upon it by complying with the Hospitals’ discovery  
 11 requests. Nor does Local 715 attempt to quantify the degree of burden that it would  
 12 experience.

13 Local 715 further objects that the request is “vague, ambiguous, and  
 14 unintelligible” on the grounds that “it is in reference to include alleged action on behalf  
 15 of multiple parties and at multiple periods of time.” This objection is itself unintelligible.  
 16 The fact that a request calls for documents that relate to “multiple parties” or “multiple  
 17 periods of time” is not a legitimate reason to refuse to respond. The subject matter of the  
 18 request – the identity of counsel for Local 715 concerning the issues that are the subject  
 19 of the complaint – is easily understood. Local 715’s assertion that the language used in  
 20 the request is vague is without merit.

21 Local 715 asserts that production of documents is excused due to a privilege or  
 22 other protection. The privileges and protections identified are the attorney-client  
 23 privilege, the attorney work product doctrine, the National Labor Relations Act  
 24 (“NLRA”) The First Amendment to the United States Constitution (“First Amendment”)  
 25 and unspecified “public policy grounds.”

26 Initially, it is unclear (and Local 715 does not explain) why any of the requested  
 27 documents would be privileged or protected by the First Amendment or the NLRA.

Local 715 reference to “public policy” without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First Amendment, the NLRA, or a “public policy” might privilege or protect some of the requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must “describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim.” F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) (“boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)”).

Local 715 has not even attempted to produce this required “privilege log” to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715’s objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court’s jurisdiction is based on a federal question, federal, rather than state, privacy law

governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715's other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to representative status of Local 715 with respect to persons employed by the Hospitals. This is among the topics that the Court approved as proper areas for discovery.

Finally, there are responsive documents in the Hospitals' possession that it believes are in the possession of Local 715, but which were not produced. For example, the Hospitals are in possession of letters and e-mails to and from persons purporting to represent Local 715 pertaining to the issue of Local 715's representation of Hospital employees. The Hospital is also in possession of statements made on Local 715's website pertaining to the representation of Hospital employees. [Ridley Decl. Exh XX.] There are also internal SEIU documents bearing on the representation issue. [Ridley Decl. Exh CCC.] None of the above-referenced documents were produced by Local 715. It is likely that there are other documents not specifically known to the Hospitals, which were also not produced. Local 715 should be ordered to make a complete response to this request and sanctions should be imposed.

### **REQUEST FOR PRODUCTION NO. 3:**

Produce all DOCUMENTS and WRITINGS RELATING TO the present or future representative capacity of LOCAL 521, whether by that name or by other reference to the



entity which became LOCAL 521 when chartered by SEIU International, regarding any employees of RESPONDENT from June 30, 2005 to the present.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. This Request is also vague as to the meaning of “the present or future representative capacity of Local 521, whether by name or by other reference to the entity which became Local 521 when chartered by SEIU, International, regarding any employees of Respondent from June 30, 2005 to present.” Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

**ARGUMENT**

Local 715 objects that the request is “overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope.” It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) (“Objections that are not sufficiently specific, such as

1 statements that requests are overly broad, burdensome, or oppressive, are waived.”);  
2 *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) (“it is well-settled  
3 that all grounds for objection must be stated with specificity.”); *Josephs v. Harris*  
4 *Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) (“The litany of overly burdensome,  
5 oppressive, and irrelevant does not alone constitute a successful objection to a discovery  
6 request.”). Local 715 makes no attempt to describe the nature of the burden or  
7 oppression that would be visited upon it by complying with the Hospitals’ discovery  
8 requests. Nor does Local 715 attempt to quantify the degree of burden that it would  
9 experience.

10 Local 715 further objects that the request is “vague, ambiguous, and  
11 unintelligible” on the grounds that “it is in reference to include alleged action on behalf  
12 of multiple parties and at multiple periods of time.” This objection is itself unintelligible.  
13 The fact that a request calls for documents that relate to “multiple parties” or “multiple  
14 periods of time” is not a legitimate reason to refuse to respond. The subject matter of the  
15 request – the identity of counsel for Local 715 concerning the issues that are the subject  
16 of the complaint – is easily understood. Local 715’s assertion that the language used in  
17 the request is vague is without merit.

18 Local 715 asserts that production of documents is excused due to a privilege or  
19 other protection. The privileges and protections identified are the attorney-client  
20 privilege, the attorney work product doctrine, the National Labor Relations Act  
21 (“NLRA”) The First Amendment to the United States Constitution (“First Amendment”)  
22 and unspecified “public policy grounds.”

23 Initially, it is unclear (and Local 715 does not explain) why any of the requested  
24 documents would be privileged or protected by the First Amendment or the NLRA.  
25 Local 715 reference to “public policy” without identification whatsoever of the public  
26 policy that would prevent the disclosure of otherwise discoverable documents is not a  
27 valid ground for refusing to produce documents. However, even assuming that the First  
28

1 Amendment, the NLRA, or a “public policy” might privilege or protect some of the  
 2 requested documents, the Federal Rules are clear that a party must do more than simply  
 3 assert privileges or protections in order to preserve otherwise legitimate objections.

4 Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is  
 5 withheld based on a claim of privilege or protection for trial preparation material (i.e.  
 6 work product protection), the party must “describe the nature of the documents,  
 7 communications, or tangible things not produced or disclosed – and do so in a manner  
 8 that, without revealing information itself privileged or protected, will enable other parties  
 9 to assess the claim.” F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or  
 10 protection does not constitute a valid objection and may result in the waiver of any  
 11 privilege or protection that may exist. *Burlington Northern & Santa Fe Railway*  
 12 *Company v. United States District Court For The District Of Montana*, 408 F.3d 1142,  
 13 1147-1148 (9th Cir. 2005) (“boilerplate assertion of an evidentiary privilege in response  
 14 to a discovery request does not satisfy the demands of Rule 26(b)(5)”).

15 Local 715 has not even attempted to produce this required “privilege log” to  
 16 support its objections, and enable the Hospitals to evaluate its claims of privilege. Local  
 17 715 did not explain the categories of documents that are allegedly privileged or protected,  
 18 or even explain why the asserted privileges or protections are applicable to any  
 19 documents. Such patently insufficient objections are not only legally deficient, they are  
 20 indicative of bad faith and should result in the waiver of any privilege or protection that  
 21 may have otherwise existed (if any).

22 Local 715’s objections that production would violate the privacy rights of certain  
 23 unidentified third parties. In federal court cases such as the present one, where the  
 24 court’s jurisdiction is based on a federal question, federal, rather than state, privacy law  
 25 governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously,  
 26 where a party objects to discovery requests, those objections must be stated with  
 27 specificity. Here, as with Local 715’s other objections Local 715 has failed to provide



any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to representative status of Local 521 with respect to persons employed by the Hospitals, which necessarily bears on the representative status of Local 715. This is among the topics that the Court approved as proper areas for discovery.

Finally, there are responsive documents in the Hospitals' possession that it believes are in the possession of Local 715, but which were not produced. The Hospitals are in possession of internal SEIU documents bearing on the representation issue, and specifically, the merger of Local 715's functions into Local 521. [Ridley Decl. Exh CCC.] These documents were not produced by Local 715. It is likely that there are other documents not specifically known to the Hospitals, which were also not produced. Local 715 should be ordered to make a complete response to this request and sanctions should be imposed.

#### **REQUEST FOR PRODUCTION NO. 4:**

Produce all DOCUMENTS and WRITINGS RELATING TO the present or future representative capacity of SEIU-UHW regarding any employees of RESPONDENT from June 30 2005 to the present.

#### **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

Petitioner objects to this Request on the grounds that it is overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot

1 provide a complete response to this Request. This Request is also vague as to the  
 2 meaning of “the present or future representative capacity of SEIU-UHW regarding any  
 3 employees of Respondent from June 30, 2005 to present.” Petitioner objects on the  
 4 ground that this Request exceeds the scope of permissible discovery and is not likely to  
 5 lead to the discovery of admissible evidence. Petitioner also objects as this Request  
 6 violates the privacy of third parties and that this information is protected from disclosure  
 7 by, including but not limited to the attorney client privilege, work product doctrine, the  
 8 National Labor Relations Act, the First Amendment of the United States Constitution,  
 9 and on public policy grounds. Petitioner further objects to this Request on the ground  
 10 that the matter seeks unreasonably to intrude upon the right of privacy to the personal  
 11 financial affairs of third parties. After a diligent search and reasonable inquiry, and  
 12 without waiving any objections, there are no documents that are responsive to this  
 13 request.

14 Discovery is continuing. Petitioner reserves the right to alter, amend, modify  
 15 and/or supplement this response at a later time, up to and including at the time trial.

### 16 **ARGUMENT**

17 Local 715 objects that the request is “overbroad, unduly burdensome, onerous and  
 18 vague and ambiguous as to time and scope.” It is well-established that a party responding  
 19 to requests for admissions must do more than make generalized boilerplate claims of  
 20 overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974  
 21 (E.D.Cal. 2007) (Slip Op. at 10) (“Objections that are not sufficiently specific, such as  
 22 statements that requests are overly broad, burdensome, or oppressive, are waived.”);  
 23 *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) (“it is well-settled  
 24 that all grounds for objection must be stated with specificity.”); *Josephs v. Harris*  
 25 *Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) (“The litany of overly burdensome,  
 26 oppressive, and irrelevant does not alone constitute a successful objection to a discovery  
 27 request.”). Local 715 makes no attempt to describe the nature of the burden or

1 oppression that would be visited upon it by complying with the Hospitals' discovery  
2 requests. Nor does Local 715 attempt to quantify the degree of burden that it would  
3 experience.

4 Local 715 further objects that the request is "vague, ambiguous, and  
5 unintelligible" on the grounds that "it is in reference to include alleged action on behalf  
6 of multiple parties and at multiple periods of time." This objection is itself unintelligible.  
7 The fact that a request calls for documents that relate to "multiple parties" or "multiple  
8 periods of time" is not a legitimate reason to refuse to respond. The subject matter of the  
9 request – the identity of counsel for Local 715 concerning the issues that are the subject  
10 of the complaint – is easily understood. Local 715's assertion that the language used in  
11 the request is vague is without merit.

12 Local 715 asserts that production of documents is excused due to a privilege or  
13 other protection. The privileges and protections identified are the attorney-client  
14 privilege, the attorney work product doctrine, the National Labor Relations Act  
15 ("NLRA") The First Amendment to the United States Constitution ("First Amendment")  
16 and unspecified "public policy grounds."

17 Initially, it is unclear (and Local 715 does not explain) why any of the requested  
18 documents would be privileged or protected by the First Amendment or the NLRA.  
19 Local 715 reference to "public policy" without identification whatsoever of the public  
20 policy that would prevent the disclosure of otherwise discoverable documents is not a  
21 valid ground for refusing to produce documents. However, even assuming that the First  
22 Amendment, the NLRA, or a "public policy" might privilege or protect some of the  
23 requested documents, the Federal Rules are clear that a party must do more than simply  
24 assert privileges or protections in order to preserve otherwise legitimate objections.

25 Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is  
26 withheld based on a claim of privilege or protection for trial preparation material (i.e.  
27 work product protection), the party must "describe the nature of the documents,

1 communications, or tangible things not produced or disclosed – and do so in a manner  
 2 that, without revealing information itself privileged or protected, will enable other parties  
 3 to assess the claim.” F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or  
 4 protection does not constitute a valid objection and may result in the waiver of any  
 5 privilege or protection that may exist. *Burlington Northern & Santa Fe Railway*  
 6 *Company v. United States District Court For The District Of Montana*, 408 F.3d 1142,  
 7 1147-1148 (9th Cir. 2005) (“boilerplate assertion of an evidentiary privilege in response  
 8 to a discovery request does not satisfy the demands of Rule 26(b)(5)”).

9 Local 715 has not even attempted to produce this required “privilege log” to  
 10 support its objections, and enable the Hospitals to evaluate its claims of privilege. Local  
 11 715 did not explain the categories of documents that are allegedly privileged or protected,  
 12 or even explain why the asserted privileges or protections are applicable to any  
 13 documents. Such patently insufficient objections are not only legally deficient, they are  
 14 indicative of bad faith and should result in the waiver of any privilege or protection that  
 15 may have otherwise existed (if any).

16 Local 715’s objections that production would violate the privacy rights of certain  
 17 unidentified third parties. In federal court cases such as the present one, where the  
 18 court’s jurisdiction is based on a federal question, federal, rather than state, privacy law  
 19 governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously,  
 20 where a party objects to discovery requests, those objections must be stated with  
 21 specificity. Here, as with Local 715’s other objections Local 715 has failed to provide  
 22 any specifics regarding the basis of its privacy objection. The objection is therefore  
 23 defective and waived. Furthermore, the right to privacy (to the extent that it applies here  
 24 at all) is not absolute, but must be weighed against the need for the information. *Ragge v.*  
 25 *MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715’s bare  
 26 assertion of third party privacy rights gives no means to evaluate the claim and balance it  
 27 against the Hospitals’ need for discovery.



1 Local 715 objects that the requested documents are not relevant. The documents,  
 2 however, pertain to the representative capacity of UHW with respect to persons  
 3 employed by the Hospitals, which necessarily bears on the representative capacity of  
 4 Local 715. The Court has approved discovery on these issues.

5 Finally, there are responsive documents in the Hospitals' possession that it  
 6 believes are in the possession of Local 715, but which were not produced. The Hospitals  
 7 are in possession of internal SEIU documents bearing on the representation issue, and  
 8 specifically, the "servicing" of Hospital employees by UHW, and the contemplated or  
 9 actual merger of Local 715's functions into UHW. [Ridley Decl. Exh CCC.] These  
 10 documents were not produced by Local 715. It is likely that there are other documents  
 11 not specifically known to the Hospitals, which were also not produced. Local 715 should  
 12 be ordered to make a complete response to this request and sanctions should be imposed.

13 **REQUEST FOR PRODUCTION NO. 5:**

14 Produce all DOCUMENTS and WRITINGS RELATING TO correspondence  
 15 between YOU and any SEIU International official and/or representative from June 30,  
 16 2005 to the present regarding the status of LOCAL 715 (including, without limitation, its  
 17 existence, its termination and/or its merger with or into another LOCAL, or the transfer  
 18 by any manner of any of its represented bargaining units to another LOCAL or  
 19 LOCALS).

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

21 Petitioner objects to this Request on the grounds that is it overbroad, unduly  
 22 burdensome, onerous and vague and ambiguous as to time and scope. This Request is  
 23 vague, ambiguous, and unintelligible as it is in reference to include alleged action on  
 24 behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot  
 25 provide a complete response to this Request. This Request is vague as to the meaning of  
 26 the "status of Local 715". Petitioner objects on the ground that this Request exceeds the  
 27 scope of permissible discovery and is not likely to lead to the discovery of admissible

evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

### ARGUMENT

Local 715 objects that the request is “overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope.” It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) (“Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived.”); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) (“it is well-settled that all grounds for objection must be stated with specificity.”); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) (“The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request.”). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals’ discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is “vague, ambiguous, and unintelligible” on the grounds that “it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time.” This objection is itself unintelligible. The fact that a request calls for documents that relate to “multiple parties” or “multiple



1 periods of time” is not a legitimate reason to refuse to respond. The subject matter of the  
2 request – the identity of counsel for Local 715 concerning the issues that are the subject  
3 of the complaint – is easily understood. Local 715’s assertion that the language used in  
4 the request is vague is without merit.

5 Local 715 asserts that production of documents is excused due to a privilege or  
6 other protection. The privileges and protections identified are the attorney-client  
7 privilege, the attorney work product doctrine, the National Labor Relations Act  
8 (“NLRA”) The First Amendment to the United States Constitution (“First Amendment”)  
9 and unspecified “public policy grounds.”

10 Initially, it is unclear (and Local 715 does not explain) why any of the requested  
11 documents would be privileged or protected by the First Amendment or the NLRA.  
12 Local 715 reference to “public policy” without identification whatsoever of the public  
13 policy that would prevent the disclosure of otherwise discoverable documents is not a  
14 valid ground for refusing to produce documents. However, even assuming that the First  
15 Amendment, the NLRA, or a “public policy” might privilege or protect some of the  
16 requested documents, the Federal Rules are clear that a party must do more than simply  
17 assert privileges or protections in order to preserve otherwise legitimate objections.

18 Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is  
19 withheld based on a claim of privilege or protection for trial preparation material (i.e.  
20 work product protection), the party must “describe the nature of the documents,  
21 communications, or tangible things not produced or disclosed – and do so in a manner  
22 that, without revealing information itself privileged or protected, will enable other parties  
23 to assess the claim.” F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or  
24 protection does not constitute a valid objection and may result in the waiver of any  
25 privilege or protection that may exist. *Burlington Northern & Santa Fe Railway*  
26 *Company v. United States District Court For The District Of Montana*, 408 F.3d 1142,  
27 1147-1148 (9th Cir. 2005) (“boilerplate assertion of an evidentiary privilege in response

1 to a discovery request does not satisfy the demands of Rule 26(b)(5)").

2 Local 715 has not even attempted to produce this required "privilege log" to  
3 support its objections, and enable the Hospitals to evaluate its claims of privilege. Local  
4 715 did not explain the categories of documents that are allegedly privileged or protected,  
5 or even explain why the asserted privileges or protections are applicable to any  
6 documents. Such patently insufficient objections are not only legally deficient, they are  
7 indicative of bad faith and should result in the waiver of any privilege or protection that  
8 may have otherwise existed (if any).

9 Local 715's objections that production would violate the privacy rights of certain  
10 unidentified third parties. In federal court cases such as the present one, where the  
11 court's jurisdiction is based on a federal question, federal, rather than state, privacy law  
12 governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously,  
13 where a party objects to discovery requests, those objections must be stated with  
14 specificity. Here, as with Local 715's other objections Local 715 has failed to provide  
15 any specifics regarding the basis of its privacy objection. The objection is therefore  
16 defective and waived. Furthermore, the right to privacy (to the extent that it applies here  
17 at all) is not absolute, but must be weighed against the need for the information. *Ragge v.*  
18 *MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare  
19 assertion of third party privacy rights gives no means to evaluate the claim and balance it  
20 against the Hospitals' need for discovery.

21 Local 715 objects that the requested documents are not relevant. The documents,  
22 however, pertain to communications relating to the existence and status of Local 715.  
23 The Court has approved discovery on these issues.

24 Finally, there are responsive documents in the Hospitals' possession that it  
25 believes are in the possession of Local 715, but which were not produced. The Hospitals  
26 are in possession of letters on the subject of the existence and representative capacity of  
27 Local 715, which were copied to an attorney for the international. [Ridley Decl. Exh

XX.] These documents were not produced by Local 715. Additionally, among the documents produced by Local 715 is a memorandum from SEIU International President Andrew Stern which references a “request from the officers and Executive Board of Local 715” requesting the imposition of an emergency trusteeship over Local 715. [Ridley Decl. Exh CCC.] This report was not produced. from It is likely that there are other documents not specifically known to the Hospitals, which were also not produced. Local 715 should be ordered to make a complete response to this request and sanctions should be imposed.

**REQUEST FOR PRODUCTION NO. 6:**

Produce all DOCUMENTS and WRITINGS RELATING TO correspondence between YOU and any SEIU-UHW official and/or representative from June 30, 2005 to the present regarding the status of LOCAL 715 (including, without limitation, its existence, its termination and/or its merger with or into another LOCAL, or the transfer by any manner of its represented bargaining units to another LOCAL or LOCALS).

**RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal

1 financial affairs of third parties. After a diligent search and reasonable inquiry, and  
 2 without waiving any objections, there are no documents that are responsive to this  
 3 request.

4 Discovery is continuing. Petitioner reserves the right to alter, amend, modify  
 5 and/or supplement this response at a later time, up to and including at the time trial.

## 6 **ARGUMENT**

7 Local 715 objects that the request is “overbroad, unduly burdensome, onerous and  
 8 vague and ambiguous as to time and scope.” It is well-established that a party responding  
 9 to requests for admissions must do more than make generalized boilerplate claims of  
 10 overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974  
 11 (E.D.Cal. 2007) (Slip Op. at 10) (“Objections that are not sufficiently specific, such as  
 12 statements that requests are overly broad, burdensome, or oppressive, are waived.”);  
 13 *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) (“it is well-settled  
 14 that all grounds for objection must be stated with specificity.”); *Josephs v. Harris*  
 15 *Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) (“The litany of overly burdensome,  
 16 oppressive, and irrelevant does not alone constitute a successful objection to a discovery  
 17 request.”). Local 715 makes no attempt to describe the nature of the burden or  
 18 oppression that would be visited upon it by complying with the Hospitals’ discovery  
 19 requests. Nor does Local 715 attempt to quantify the degree of burden that it would  
 20 experience.

21 Local 715 further objects that the request is “vague, ambiguous, and  
 22 unintelligible” on the grounds that “it is in reference to include alleged action on behalf  
 23 of multiple parties and at multiple periods of time.” This objection is itself unintelligible.  
 24 The fact that a request calls for documents that relate to “multiple parties” or “multiple  
 25 periods of time” is not a legitimate reason to refuse to respond. The subject matter of the  
 26 request – the identity of counsel for Local 715 concerning the issues that are the subject  
 27 of the complaint – is easily understood. Local 715’s assertion that the language used in  
 28



1 the request is vague is without merit.

2 Local 715 asserts that production of documents is excused due to a privilege or  
3 other protection. The privileges and protections identified are the attorney-client  
4 privilege, the attorney work product doctrine, the National Labor Relations Act  
5 (“NLRA”) The First Amendment to the United States Constitution (“First Amendment”) and unspecified “public policy grounds.”

7 Initially, it is unclear (and Local 715 does not explain) why any of the requested  
8 documents would be privileged or protected by the First Amendment or the NLRA.  
9 Local 715 reference to “public policy” without identification whatsoever of the public  
10 policy that would prevent the disclosure of otherwise discoverable documents is not a  
11 valid ground for refusing to produce documents. However, even assuming that the First  
12 Amendment, the NLRA, or a “public policy” might privilege or protect some of the  
13 requested documents, the Federal Rules are clear that a party must do more than simply  
14 assert privileges or protections in order to preserve otherwise legitimate objections.

15 Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is  
16 withheld based on a claim of privilege or protection for trial preparation material (i.e.  
17 work product protection), the party must “describe the nature of the documents,  
18 communications, or tangible things not produced or disclosed – and do so in a manner  
19 that, without revealing information itself privileged or protected, will enable other parties  
20 to assess the claim.” F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or  
21 protection does not constitute a valid objection and may result in the waiver of any  
22 privilege or protection that may exist. *Burlington Northern & Santa Fe Railway*  
23 *Company v. United States District Court For The District Of Montana*, 408 F.3d 1142,  
24 1147-1148 (9th Cir. 2005) (“boilerplate assertion of an evidentiary privilege in response  
25 to a discovery request does not satisfy the demands of Rule 26(b)(5)”).

26 Local 715 has not even attempted to produce this required “privilege log” to  
27 support its objections, and enable the Hospitals to evaluate its claims of privilege. Local

1 715 did not explain the categories of documents that are allegedly privileged or protected,  
2 or even explain why the asserted privileges or protections are applicable to any  
3 documents. Such patently insufficient objections are not only legally deficient, they are  
4 indicative of bad faith and should result in the waiver of any privilege or protection that  
5 may have otherwise existed (if any).

6 Local 715's objections that production would violate the privacy rights of certain  
7 unidentified third parties. In federal court cases such as the present one, where the  
8 court's jurisdiction is based on a federal question, federal, rather than state, privacy law  
9 governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously,  
10 where a party objects to discovery requests, those objections must be stated with  
11 specificity. Here, as with Local 715's other objections Local 715 has failed to provide  
12 any specifics regarding the basis of its privacy objection. The objection is therefore  
13 defective and waived. Furthermore, the right to privacy (to the extent that it applies here  
14 at all) is not absolute, but must be weighed against the need for the information. *Ragge v.*  
15 *MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare  
16 assertion of third party privacy rights gives no means to evaluate the claim and balance it  
17 against the Hospitals' need for discovery.

18 Local 715 objects that the requested documents are not relevant. The documents,  
19 however, pertain to communications relating to the existence and representative status of  
20 Local 715. The Court has approved discovery on these issues.

21 Finally, there are responsive documents in the Hospitals' possession that it  
22 believes are in the possession of Local 715, but which were not produced. The Hospitals  
23 are in possession of letters and e-mails from persons representing Local 715 that were  
24 also sent to employees of UHW. [Ridley Decl. Exh XX.] These documents were not  
25 produced by Local 715. It is likely that there are other documents not specifically known  
26 to the Hospitals, which were also not produced. Local 715 should be ordered to make a  
27 complete response to this request and sanctions should be imposed.



**REQUEST FOR PRODUCTION NO. 7:**

Produce all DOCUMENTS and WRITINGS RELATING TO correspondence between YOU and any LOCAL 521 official and/or representative from June 30, 2005 to the present regarding the status of LOCAL 715 (including, without limitation, its existence, its termination and/or its merger with or into another LOCAL, or the transfer by any manner of any of its represented bargaining units to another LOCAL or LOCALS).

**RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties. After a diligent search and reasonable inquiry, and without waiving any objections, there are no documents that are responsive to this request.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

**ARGUMENT**

Local 715 objects that the request is "overbroad, unduly burdensome, onerous and

vague and ambiguous as to time and scope.” It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) (“Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived.”); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) (“it is well-settled that all grounds for objection must be stated with specificity.”); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) (“The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request.”). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals’ discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is “vague, ambiguous, and unintelligible” on the grounds that “it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time.” This objection is itself unintelligible. The fact that a request calls for documents that relate to “multiple parties” or “multiple periods of time” is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject of the complaint – is easily understood. Local 715’s assertion that the language used in the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client privilege, the attorney work product doctrine, the National Labor Relations Act (“NLRA”) The First Amendment to the United States Constitution (“First Amendment”) and unspecified “public policy grounds.”

Initially, it is unclear (and Local 715 does not explain) why any of the requested

documents would be privileged or protected by the First Amendment or the NLRA. Local 715 reference to “public policy” without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First Amendment, the NLRA, or a “public policy” might privilege or protect some of the requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must “describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim.” F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) (“boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)”).

Local 715 has not even attempted to produce this required “privilege log” to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715’s objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the

1 court's jurisdiction is based on a federal question, federal, rather than state, privacy law  
 2 governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously,  
 3 where a party objects to discovery requests, those objections must be stated with  
 4 specificity. Here, as with Local 715's other objections Local 715 has failed to provide  
 5 any specifics regarding the basis of its privacy objection. The objection is therefore  
 6 defective and waived. Furthermore, the right to privacy (to the extent that it applies here  
 7 at all) is not absolute, but must be weighed against the need for the information. *Ragge v.*  
 8 *MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare  
 9 assertion of third party privacy rights gives no means to evaluate the claim and balance it  
 10 against the Hospitals' need for discovery.

11 Local 715 objects that the requested documents are not relevant. The documents,  
 12 however, pertain to the existence of Local 715. This is among the topics that the Court  
 13 approved as proper areas for discovery.

14 Finally, the Hospitals note that there were statements posted on the website of  
 15 Local 521 indicating that Local 715, or parts of it, had been absorbed into Local 521.  
 16 [Ridley Decl. Exh AAA.] Local 715 also made statements on its website that it was  
 17 being absorbed into Local 521. [Ridley Decl. Exh ZZ.] Therefore, there should be some  
 18 (if not a great deal) of documents reflecting communications between the organizations  
 19 that are responsive to this request. Such documents must be produced.

20 **REQUEST FOR PRODUCTION NO. 8:**

21 Produce all DOCUMENTS and WRITINGS RELATING TO correspondence  
 22 between YOU and any LOCAL 715 official and/or representative from June 30, 2005 to  
 23 the present regarding the status of LOCAL 715 (including, without limitation, its  
 24 existence, its termination and/or its merger with or into another LOCAL, or the transfer  
 25 by any manner of any of its represented bargaining units to another LOCAL or  
 26 LOCALS).



**RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

Petitioner objects to this Request on the grounds that it is overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. This Request is vague as to the meaning “between YOU and any LOCAL 715 official and/or representative” and as to “the status of LOCAL 715”. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

**ARGUMENT**

Local 715 objects that the request is “overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope.” It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) (“Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived.”); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) (“it is well-settled that all grounds for objection must be stated with specificity.”); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) (“The litany of overly burdensome,

1 oppressive, and irrelevant does not alone constitute a successful objection to a discovery  
 2 request.”). Local 715 makes no attempt to describe the nature of the burden or  
 3 oppression that would be visited upon it by complying with the Hospitals’ discovery  
 4 requests. Nor does Local 715 attempt to quantify the degree of burden that it would  
 5 experience.

6 Local 715 further objects that the request is “vague, ambiguous, and  
 7 unintelligible” on the grounds that “it is in reference to include alleged action on behalf  
 8 of multiple parties and at multiple periods of time.” This objection is itself unintelligible.  
 9 The fact that a request calls for documents that relate to “multiple parties” or “multiple  
 10 periods of time” is not a legitimate reason to refuse to respond. The subject matter of the  
 11 request – the identity of counsel for Local 715 concerning the issues that are the subject  
 12 of the complaint – is easily understood. Local 715’s assertion that the language used in  
 13 the request is vague is without merit.

14 Local 715 asserts that production of documents is excused due to a privilege or  
 15 other protection. The privileges and protections identified are the attorney-client  
 16 privilege, the attorney work product doctrine, the National Labor Relations Act  
 17 (“NLRA”) The First Amendment to the United States Constitution (“First Amendment”)  
 18 and unspecified “public policy grounds.”

19 Initially, it is unclear (and Local 715 does not explain) why any of the requested  
 20 documents would be privileged or protected by the First Amendment or the NLRA.  
 21 Local 715 reference to “public policy” without identification whatsoever of the public  
 22 policy that would prevent the disclosure of otherwise discoverable documents is not a  
 23 valid ground for refusing to produce documents. However, even assuming that the First  
 24 Amendment, the NLRA, or a “public policy” might privilege or protect some of the  
 25 requested documents, the Federal Rules are clear that a party must do more than simply  
 26 assert privileges or protections in order to preserve otherwise legitimate objections.

27 Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is



withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must “describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim.” F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) (“boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)”).

Local 715 has not even attempted to produce this required “privilege log” to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715’s objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court’s jurisdiction is based on a federal question, federal, rather than state, privacy law governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715’s other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715’s bare

1 assertion of third party privacy rights gives no means to evaluate the claim and balance it  
2 against the Hospitals' need for discovery.

3 Local 715 objects that the requested documents are not relevant. The documents,  
4 however, pertain to the existence of Local 715. This is among the topics that the Court  
5 approved as proper areas for discovery.

6 **REQUEST FOR PRODUCTION NO. 9:**

7 Produce all DOCUMENTS and WRITINGS RELATING TO the handling of any  
8 funds (including, without limitation, dues payments) RELATING TO LOCAL 715  
9 (including, without limitation, all deposits, payments and transfers of said funds) from  
10 January 2007 to the present.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

12 Petitioner objects to this Request on the grounds that is it overbroad, unduly  
13 burdensome, onerous and vague and ambiguous as to time and scope. This Request is  
14 vague, ambiguous, and unintelligible as it is in reference to include alleged action on  
15 behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot  
16 provide a complete response to this Request. This Request is vague as to the meaning of  
17 "handling of any funds". Petitioner objects on the ground that this Request exceeds the  
18 scope of permissible discovery and is not likely to lead to the discovery of admissible  
19 evidence. Petitioner also objects as this Request violates the privacy of third parties and  
20 that this information is protected from disclosure by, including but not limited to the  
21 attorney client privilege, work product doctrine, the National Labor Relations Act, the  
22 First Amendment of the United States Constitution, and on public policy grounds.  
23 Petitioner further objects to this Request on the ground that the matter seeks unreasonably  
24 to intrude upon the right of privacy to the personal financial affairs of third parties.

25 Discovery is continuing. Petitioner reserves the right to alter, amend, modify  
26 and/or supplement this response at a later time, up to and including at the time trial.

1 **ARGUMENT**

2 Local 715 objects that the request is “overbroad, unduly burdensome, onerous and  
3 vague and ambiguous as to time and scope.” It is well-established that a party responding  
4 to requests for admissions must do more than make generalized boilerplate claims of  
5 overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974  
6 (E.D.Cal. 2007) (Slip Op. at 10) (“Objections that are not sufficiently specific, such as  
7 statements that requests are overly broad, burdensome, or oppressive, are waived.”);  
8 *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) (“it is well-settled  
9 that all grounds for objection must be stated with specificity.”); *Josephs v. Harris*  
10 *Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) (“The litany of overly burdensome,  
11 oppressive, and irrelevant does not alone constitute a successful objection to a discovery  
12 request.”). Local 715 makes no attempt to describe the nature of the burden or  
13 oppression that would be visited upon it by complying with the Hospitals’ discovery  
14 requests. Nor does Local 715 attempt to quantify the degree of burden that it would  
15 experience.

16 Local 715 further objects that the request is “vague, ambiguous, and  
17 unintelligible” on the grounds that “it is in reference to include alleged action on behalf  
18 of multiple parties and at multiple periods of time.” This objection is itself unintelligible.  
19 The fact that a request calls for documents that relate to “multiple parties” or “multiple  
20 periods of time” is not a legitimate reason to refuse to respond. The subject matter of the  
21 request – the identity of counsel for Local 715 concerning the issues that are the subject  
22 of the complaint – is easily understood. Local 715’s assertion that the language used in  
23 the request is vague is without merit.

24 Local 715 asserts that production of documents is excused due to a privilege or  
25 other protection. The privileges and protections identified are the attorney-client  
26 privilege, the attorney work product doctrine, the National Labor Relations Act  
27 (“NLRA”) The First Amendment to the United States Constitution (“First Amendment”)

1 and unspecified “public policy grounds.”

2 Initially, it is unclear (and Local 715 does not explain) why any of the requested  
3 documents would be privileged or protected by the First Amendment or the NLRA.  
4 Local 715 reference to “public policy” without identification whatsoever of the public  
5 policy that would prevent the disclosure of otherwise discoverable documents is not a  
6 valid ground for refusing to produce documents. However, even assuming that the First  
7 Amendment, the NLRA, or a “public policy” might privilege or protect some of the  
8 requested documents, the Federal Rules are clear that a party must do more than simply  
9 assert privileges or protections in order to preserve otherwise legitimate objections.

10 Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is  
11 withheld based on a claim of privilege or protection for trial preparation material (i.e.  
12 work product protection), the party must “describe the nature of the documents,  
13 communications, or tangible things not produced or disclosed – and do so in a manner  
14 that, without revealing information itself privileged or protected, will enable other parties  
15 to assess the claim.” F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or  
16 protection does not constitute a valid objection and may result in the waiver of any  
17 privilege or protection that may exist. *Burlington Northern & Santa Fe Railway*  
18 *Company v. United States District Court For The District Of Montana*, 408 F.3d 1142,  
19 1147-1148 (9th Cir. 2005) (“boilerplate assertion of an evidentiary privilege in response  
20 to a discovery request does not satisfy the demands of Rule 26(b)(5)”).

21 Local 715 has not even attempted to produce this required “privilege log” to  
22 support its objections, and enable the Hospitals to evaluate its claims of privilege. Local  
23 715 did not explain the categories of documents that are allegedly privileged or protected,  
24 or even explain why the asserted privileges or protections are applicable to any  
25 documents. Such patently insufficient objections are not only legally deficient, they are  
26 indicative of bad faith and should result in the waiver of any privilege or protection that  
27 may have otherwise existed (if any).



Local 715's objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court's jurisdiction is based on a federal question, federal, rather than state, privacy law governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715's other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to the existence and to the resources of Local 715. The Court has approved discovery on these issues.

Finally, there are responsive documents in the Hospitals' possession that it believes are in the possession of Local 715, but which were not produced. The Hospitals are in possession of LM-2 reports filed with the Department of Justice by Local 715, which detail many aspects of the handling of Local 715's funds. [Ridley Decl. Exh DDD & EEE.] These reports were not produced by Local 715, nor were the underlying documents upon which the report was based. It is likely that there are other documents not specifically known to the Hospitals, which were also not produced. Local 715 should be ordered to make a complete response to this request and sanctions should be imposed.

**REQUEST FOR PRODUCTION NO. 10:**

Produce all DOCUMENTS and WRITINGS RELATING TO the affairs and transactions of LOCAL 715 from January 2006 to the present (including, without limitation, all reports and monitoring activities of said affairs and transactions).

**RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. This Request is vague as to the meaning of “affairs and transactions of LOCAL 715” and “all reports and monitoring activities of said affairs and transactions.” Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

**ARGUMENT**

Local 715 objects that the request is “overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope.” It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) (“Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived.”); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) (“it is well-settled that all grounds for objection must be stated with specificity.”); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) (“The litany of overly burdensome,

1 oppressive, and irrelevant does not alone constitute a successful objection to a discovery  
 2 request.”). Local 715 makes no attempt to describe the nature of the burden or  
 3 oppression that would be visited upon it by complying with the Hospitals’ discovery  
 4 requests. Nor does Local 715 attempt to quantify the degree of burden that it would  
 5 experience.

6 Local 715 further objects that the request is “vague, ambiguous, and  
 7 unintelligible” on the grounds that “it is in reference to include alleged action on behalf  
 8 of multiple parties and at multiple periods of time.” This objection is itself unintelligible.  
 9 The fact that a request calls for documents that relate to “multiple parties” or “multiple  
 10 periods of time” is not a legitimate reason to refuse to respond. The subject matter of the  
 11 request – the identity of counsel for Local 715 concerning the issues that are the subject  
 12 of the complaint – is easily understood. Local 715’s assertion that the language used in  
 13 the request is vague is without merit.

14 Local 715 asserts that production of documents is excused due to a privilege or  
 15 other protection. The privileges and protections identified are the attorney-client  
 16 privilege, the attorney work product doctrine, the National Labor Relations Act  
 17 (“NLRA”) The First Amendment to the United States Constitution (“First Amendment”)  
 18 and unspecified “public policy grounds.”

19 Initially, it is unclear (and Local 715 does not explain) why any of the requested  
 20 documents would be privileged or protected by the First Amendment or the NLRA.  
 21 Local 715 reference to “public policy” without identification whatsoever of the public  
 22 policy that would prevent the disclosure of otherwise discoverable documents is not a  
 23 valid ground for refusing to produce documents. However, even assuming that the First  
 24 Amendment, the NLRA, or a “public policy” might privilege or protect some of the  
 25 requested documents, the Federal Rules are clear that a party must do more than simply  
 26 assert privileges or protections in order to preserve otherwise legitimate objections.

27 Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is

1 withheld based on a claim of privilege or protection for trial preparation material (i.e.  
 2 work product protection), the party must “describe the nature of the documents,  
 3 communications, or tangible things not produced or disclosed – and do so in a manner  
 4 that, without revealing information itself privileged or protected, will enable other parties  
 5 to assess the claim.” F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or  
 6 protection does not constitute a valid objection and may result in the waiver of any  
 7 privilege or protection that may exist. *Burlington Northern & Santa Fe Railway*  
 8 *Company v. United States District Court For The District Of Montana*, 408 F.3d 1142,  
 9 1147-1148 (9th Cir. 2005) (“boilerplate assertion of an evidentiary privilege in response  
 10 to a discovery request does not satisfy the demands of Rule 26(b)(5)”).

11 Local 715 has not even attempted to produce this required “privilege log” to  
 12 support its objections, and enable the Hospitals to evaluate its claims of privilege. Local  
 13 715 did not explain the categories of documents that are allegedly privileged or protected,  
 14 or even explain why the asserted privileges or protections are applicable to any  
 15 documents. Such patently insufficient objections are not only legally deficient, they are  
 16 indicative of bad faith and should result in the waiver of any privilege or protection that  
 17 may have otherwise existed (if any).

18 Local 715’s objections that production would violate the privacy rights of certain  
 19 unidentified third parties. In federal court cases such as the present one, where the  
 20 court’s jurisdiction is based on a federal question, federal, rather than state, privacy law  
 21 governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously,  
 22 where a party objects to discovery requests, those objections must be stated with  
 23 specificity. Here, as with Local 715’s other objections Local 715 has failed to provide  
 24 any specifics regarding the basis of its privacy objection. The objection is therefore  
 25 defective and waived. Furthermore, the right to privacy (to the extent that it applies here  
 26 at all) is not absolute, but must be weighed against the need for the information. *Ragge v.*  
 27 *MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715’s bare



1 assertion of third party privacy rights gives no means to evaluate the claim and balance it  
2 against the Hospitals' need for discovery.

3 Local 715 objects that the requested documents are not relevant. The documents,  
4 however, pertain to the affairs and transactions of Local 715. The Court has approved  
5 discovery on these issues.

6 Finally, there are responsive documents in the Hospitals' possession that it  
7 believes are in the possession of Local 715, but which were not produced. The Hospitals  
8 are in possession of LM-2 reports filed with the Department of Justice by Local 715,  
9 which detail many aspects of the handling of Local 715's funds. [Ridley Decl. Exh DDD  
10 & EEE.] These reports were not produced by Local 715, nor were the underlying  
11 documents upon which the report was based. It is likely that there are other documents  
12 not specifically known to the Hospitals, which were also not produced. Local 715 should  
13 be ordered to make a complete response to this request and sanctions should be imposed.

14 **REQUEST FOR PRODUCTION NO. 11:**

15 Produce all DOCUMENTS and WRITINGS RELATING TO the establishment of  
16 a trusteeship for LOCAL 715 from January 2007 to the present.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

18 Petitioner objects to this Request on the grounds that is it overbroad, unduly  
19 burdensome, onerous and vague and ambiguous as to time and scope. This Request is  
20 vague, ambiguous, and unintelligible as it is in reference to include alleged action on  
21 behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot  
22 provide a complete response to this Request. Petitioner objects on the ground that this  
23 Request exceeds the scope of permissible discovery and is not likely to lead to the  
24 discovery of admissible evidence. Petitioner also objects as this Request violates the  
25 privacy of third parties and that this information is protected from disclosure by,  
26 including but not limited to the attorney client privilege, work product doctrine, the  
27 National Labor Relations Act, the First Amendment of the United States Constitution,

1 and on public policy grounds. Petitioner further objects to this Request on the ground  
 2 that the matter seeks unreasonably to intrude upon the right of privacy to the personal  
 3 financial affairs of third parties. Subject to and without waiving any objections,  
 4 Petitioner produces SEIU0001 to SEIU0009 and SEIU0029 to SEIU0034.

5 Discovery is continuing. Petitioner reserves the right to alter, amend, modify  
 6 and/or supplement this response at a later time, up to and including at the time trial.

### 7 ARGUMENT

8 Local 715 objects that the request is “overbroad, unduly burdensome, onerous and  
 9 vague and ambiguous as to time and scope.” It is well-established that a party responding  
 10 to requests for admissions must do more than make generalized boilerplate claims of  
 11 overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974  
 12 (E.D.Cal. 2007) (Slip Op. at 10) (“Objections that are not sufficiently specific, such as  
 13 statements that requests are overly broad, burdensome, or oppressive, are waived.”);  
 14 *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) (“it is well-settled  
 15 that all grounds for objection must be stated with specificity.”); *Josephs v. Harris*  
 16 *Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) (“The litany of overly burdensome,  
 17 oppressive, and irrelevant does not alone constitute a successful objection to a discovery  
 18 request.”). Local 715 makes no attempt to describe the nature of the burden or  
 19 oppression that would be visited upon it by complying with the Hospitals’ discovery  
 20 requests. Nor does Local 715 attempt to quantify the degree of burden that it would  
 21 experience.

22 Local 715 further objects that the request is “vague, ambiguous, and  
 23 unintelligible” on the grounds that “it is in reference to include alleged action on behalf  
 24 of multiple parties and at multiple periods of time.” This objection is itself unintelligible.  
 25 The fact that a request calls for documents that relate to “multiple parties” or “multiple  
 26 periods of time” is not a legitimate reason to refuse to respond. The subject matter of the  
 27 request – the identity of counsel for Local 715 concerning the issues that are the subject  
 28

1 of the complaint – is easily understood. Local 715’s assertion that the language used in  
 2 the request is vague is without merit.

3 Local 715 asserts that production of documents is excused due to a privilege or  
 4 other protection. The privileges and protections identified are the attorney-client  
 5 privilege, the attorney work product doctrine, the National Labor Relations Act  
 6 (“NLRA”) The First Amendment to the United States Constitution (“First Amendment”)  
 7 and unspecified “public policy grounds.”

8 Initially, it is unclear (and Local 715 does not explain) why any of the requested  
 9 documents would be privileged or protected by the First Amendment or the NLRA.  
 10 Local 715 reference to “public policy” without identification whatsoever of the public  
 11 policy that would prevent the disclosure of otherwise discoverable documents is not a  
 12 valid ground for refusing to produce documents. However, even assuming that the First  
 13 Amendment, the NLRA, or a “public policy” might privilege or protect some of the  
 14 requested documents, the Federal Rules are clear that a party must do more than simply  
 15 assert privileges or protections in order to preserve otherwise legitimate objections.

16 Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is  
 17 withheld based on a claim of privilege or protection for trial preparation material (i.e.  
 18 work product protection), the party must “describe the nature of the documents,  
 19 communications, or tangible things not produced or disclosed – and do so in a manner  
 20 that, without revealing information itself privileged or protected, will enable other parties  
 21 to assess the claim.” F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or  
 22 protection does not constitute a valid objection and may result in the waiver of any  
 23 privilege or protection that may exist. *Burlington Northern & Santa Fe Railway*  
 24 *Company v. United States District Court For The District Of Montana*, 408 F.3d 1142,  
 25 1147-1148 (9th Cir. 2005) (“boilerplate assertion of an evidentiary privilege in response  
 26 to a discovery request does not satisfy the demands of Rule 26(b)(5)”).

27 Local 715 has not even attempted to produce this required “privilege log” to  
 28

1 support its objections, and enable the Hospitals to evaluate its claims of privilege. Local  
2 715 did not explain the categories of documents that are allegedly privileged or protected,  
3 or even explain why the asserted privileges or protections are applicable to any  
4 documents. Such patently insufficient objections are not only legally deficient, they are  
5 indicative of bad faith and should result in the waiver of any privilege or protection that  
6 may have otherwise existed (if any).

7 Local 715's objections that production would violate the privacy rights of certain  
8 unidentified third parties. In federal court cases such as the present one, where the  
9 court's jurisdiction is based on a federal question, federal, rather than state, privacy law  
10 governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously,  
11 where a party objects to discovery requests, those objections must be stated with  
12 specificity. Here, as with Local 715's other objections Local 715 has failed to provide  
13 any specifics regarding the basis of its privacy objection. The objection is therefore  
14 defective and waived. Furthermore, the right to privacy (to the extent that it applies here  
15 at all) is not absolute, but must be weighed against the need for the information. *Ragge v.*  
16 *MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare  
17 assertion of third party privacy rights gives no means to evaluate the claim and balance it  
18 against the Hospitals' need for discovery.

19 Local 715 objects that the requested documents are not relevant. The documents,  
20 however, pertain to the existence and representative status of Local 715. The Court has  
21 approved discovery on these issues.

22 Finally, there appear to be responsive documents that were not produced by Local  
23 715. Among the documents produced by Local 715 is a June 8, 2007 memorandum from  
24 SEIU International President Andrew Stern that references "a request from the officers  
25 and Executive Board of Local 715" requesting the imposition of a trusteeship over the  
26 local. [Ridley Decl. Exh CCC.] The documents pertaining to this request were not  
27 produced by Local 715. It is likely that there are other documents not specifically known



1 to the Hospitals, which were also not produced. Local 715 should be ordered to make a  
 2 complete response to this request and sanctions should be imposed.

3 **REQUEST FOR PRODUCTION NO. 12:**

4 Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 715's  
 5 website from January 2007 to the present including, without limitation, all links from the  
 6 website to other sites, all references to LOCAL 715's status (including existence,  
 7 termination or merger with or into another LOCAL), all references to LOCAL 715's  
 8 funds, and all references to LOCAL 715's officers and/or trustees. This request  
 9 specifically includes all versions of LOCAL 715's website during the time period  
 10 including, without limitation, all changes to the website and the reasons for such changes.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

12 Petitioner objects to this Request on the grounds that is it overbroad, unduly  
 13 burdensome, onerous and vague and ambiguous as to time and scope. This Request is  
 14 vague, ambiguous, and unintelligible as it is in reference to include alleged action on  
 15 behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot  
 16 provide a complete response to this Request. Petitioner objects on the ground that this  
 17 Request exceeds the scope of permissible discovery and is not likely to lead to the  
 18 discovery of admissible evidence. Petitioner also objects as this Request violates the  
 19 privacy of third parties and that this information is protected from disclosure by,  
 20 including but not limited to the attorney client privilege, work product doctrine, the  
 21 National Labor Relations Act, the First Amendment of the United States Constitution,  
 22 and on public policy grounds. Petitioner further objects to this Request on the ground  
 23 that the matter seeks unreasonably to intrude upon the right of privacy to the personal  
 24 financial affairs of third parties. Finally, the requested documents are equally available to  
 25 Respondent. Subject to and without waiving any objections, Petitioner produces  
 26 SEIU0010 to SEIU0019.

27 Discovery is continuing. Petitioner reserves the right to alter, amend, modify

and/or supplement this response at a later time, up to and including at the time trial.

## ARGUMENT

Local 715 objects that the request is “overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope.” It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) (“Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived.”); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) (“it is well-settled that all grounds for objection must be stated with specificity.”); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) (“The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request.”). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals’ discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is “vague, ambiguous, and unintelligible” on the grounds that “it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time.” This objection is itself unintelligible. The fact that a request calls for documents that relate to “multiple parties” or “multiple periods of time” is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject of the complaint – is easily understood. Local 715’s assertion that the language used in the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client privilege, the attorney work product doctrine, the National Labor Relations Act

1 (“NLRA”) The First Amendment to the United States Constitution (“First Amendment”)  
 2 and unspecified “public policy grounds.”

3 Initially, it is unclear (and Local 715 does not explain) why any of the requested  
 4 documents would be privileged or protected by the First Amendment or the NLRA.  
 5 Local 715 reference to “public policy” without identification whatsoever of the public  
 6 policy that would prevent the disclosure of otherwise discoverable documents is not a  
 7 valid ground for refusing to produce documents. However, even assuming that the First  
 8 Amendment, the NLRA, or a “public policy” might privilege or protect some of the  
 9 requested documents, the Federal Rules are clear that a party must do more than simply  
 10 assert privileges or protections in order to preserve otherwise legitimate objections.

11 Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is  
 12 withheld based on a claim of privilege or protection for trial preparation material (i.e.  
 13 work product protection), the party must “describe the nature of the documents,  
 14 communications, or tangible things not produced or disclosed – and do so in a manner  
 15 that, without revealing information itself privileged or protected, will enable other parties  
 16 to assess the claim.” F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or  
 17 protection does not constitute a valid objection and may result in the waiver of any  
 18 privilege or protection that may exist. *Burlington Northern & Santa Fe Railway*  
 19 *Company v. United States District Court For The District Of Montana*, 408 F.3d 1142,  
 20 1147-1148 (9th Cir. 2005) (“boilerplate assertion of an evidentiary privilege in response  
 21 to a discovery request does not satisfy the demands of Rule 26(b)(5)”).

22 Local 715 has not even attempted to produce this required “privilege log” to  
 23 support its objections, and enable the Hospitals to evaluate its claims of privilege. Local  
 24 715 did not explain the categories of documents that are allegedly privileged or protected,  
 25 or even explain why the asserted privileges or protections are applicable to any  
 26 documents. Such patently insufficient objections are not only legally deficient, they are  
 27 indicative of bad faith and should result in the waiver of any privilege or protection that  
 28

1 may have otherwise existed (if any).

2 Local 715's objections that production would violate the privacy rights of certain  
3 unidentified third parties. In federal court cases such as the present one, where the  
4 court's jurisdiction is based on a federal question, federal, rather than state, privacy law  
5 governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously,  
6 where a party objects to discovery requests, those objections must be stated with  
7 specificity. Here, as with Local 715's other objections Local 715 has failed to provide  
8 any specifics regarding the basis of its privacy objection. The objection is therefore  
9 defective and waived. Furthermore, the right to privacy (to the extent that it applies here  
10 at all) is not absolute, but must be weighed against the need for the information. *Ragge v.*  
11 *MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare  
12 assertion of third party privacy rights gives no means to evaluate the claim and balance it  
13 against the Hospitals' need for discovery.

14 Local 715 objects that the requested documents are not relevant. The documents,  
15 however, pertain to the existence and representative status of Local 715. The Court has  
16 approved discovery on these issues.

17 Finally, there are responsive documents in the Hospitals' possession that it  
18 believes are in the possession of Local 715, but which were not produced. The Hospitals  
19 are in possession of images of previous versions of Local 715's website. [Ridley Decl.  
20 Exh ZZ.] These documents were not produced by Local 715. Indeed, Local 715 has  
21 produced none of the website-related documents requested except for images, apparently  
22 from its current website. Local 715 should be ordered to make a complete response to  
23 this request and sanctions should be imposed.

24 **REQUEST FOR PRODUCTION NO. 13:**

25 Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 521's  
26 website from January 2007 to the present including, without limitation, all links from the  
27 website to other sites, all references to LOCAL 521's status (including its creation,



existence, or merger with other LOCALS), all references to LOCAL 521's funds, and all references to LOCAL 521's officers and/or trustees. This request specifically includes all versions of LOCAL 521's website during the time period including, without limitation, all changes to the website and the reasons for such changes.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

Petitioner objects to this Request on the grounds that it is overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties. After a diligent search and reasonable inquiry, and without waiving any objections, there are no documents that are responsive to this request.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

**ARGUMENT**

Local 715 objects that the request is "overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope." It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974

(E.D.Cal. 2007) (Slip Op. at 10) (“Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived.”); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) (“it is well-settled that all grounds for objection must be stated with specificity.”); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) (“The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request.”). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals’ discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is “vague, ambiguous, and unintelligible” on the grounds that “it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time.” This objection is itself unintelligible. The fact that a request calls for documents that relate to “multiple parties” or “multiple periods of time” is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject of the complaint – is easily understood. Local 715’s assertion that the language used in the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client privilege, the attorney work product doctrine, the National Labor Relations Act (“NLRA”) The First Amendment to the United States Constitution (“First Amendment”) and unspecified “public policy grounds.”

Initially, it is unclear (and Local 715 does not explain) why any of the requested documents would be privileged or protected by the First Amendment or the NLRA. Local 715 reference to “public policy” without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a

valid ground for refusing to produce documents. However, even assuming that the First Amendment, the NLRA, or a “public policy” might privilege or protect some of the requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must “describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim.” F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) (“boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)”).

Local 715 has not even attempted to produce this required “privilege log” to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715’s objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court’s jurisdiction is based on a federal question, federal, rather than state, privacy law governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with

specificity. Here, as with Local 715's other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to the existence of Local 715. This is among the topics that the Court approved as proper areas for discovery.

Finally, the Hospitals note that there were statements posted on the website of Local 521 indicating that Local 715, or parts of it, had been absorbed into Local 521. [Ridley Decl. Exh AAA.] Therefore, to the extent that Local 715 is in possession of responsive documents, they must be produced.

**REQUEST FOR PRODUCTION NO. 14:**

Produce all DOCUMENTS and WRITINGS RELATING TO SEIU-UHW's website from January 1, 2006 to the present including, without limitation, all links from the website to other sites, all references to SEIU-UHW's status in any capacity as representative of any employees of RESPONDENT, and all references to SEIU-UHW's receipt of funds from SEIU-LOCAL 715 and/or SEIU-LOCAL 521. This request specifically includes all versions of SEIU-UHW's website during the time period including, without limitation, all changes to the website and the reasons for such changes.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

Petitioner objects to this Request on the grounds that it is overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot



1 provide a complete response to this Request. Petitioner objects on the ground that this  
 2 Request exceeds the scope of permissible discovery and is not likely to lead to the  
 3 discovery of admissible evidence. Petitioner also objects as this Request violates the  
 4 privacy of third parties and that this information is protected from disclosure by,  
 5 including but not limited to the attorney client privilege, work product doctrine, the  
 6 National Labor Relations Act, the First Amendment of the United States Constitution,  
 7 and on public policy grounds. Petitioner further objects to this Request on the ground  
 8 that the matter seeks unreasonably to intrude upon the right of privacy to the personal  
 9 financial affairs of third parties. After a diligent search and reasonable inquiry, and  
 10 without waiving any objections, there are no documents that are responsive to this  
 11 request.

12 Discovery is continuing. Petitioner reserves the right to alter, amend, modify  
 13 and/or supplement this response at a later time, up to and including at the time trial.

#### 14 **ARGUMENT**

15 Local 715 objects that the request is “overbroad, unduly burdensome, onerous and  
 16 vague and ambiguous as to time and scope.” It is well-established that a party responding  
 17 to requests for admissions must do more than make generalized boilerplate claims of  
 18 overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974  
 19 (E.D.Cal. 2007) (Slip Op. at 10) (“Objections that are not sufficiently specific, such as  
 20 statements that requests are overly broad, burdensome, or oppressive, are waived.”);  
 21 *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) (“it is well-settled  
 22 that all grounds for objection must be stated with specificity.”); *Josephs v. Harris*  
 23 *Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) (“The litany of overly burdensome,  
 24 oppressive, and irrelevant does not alone constitute a successful objection to a discovery  
 25 request.”). Local 715 makes no attempt to describe the nature of the burden or  
 26 oppression that would be visited upon it by complying with the Hospitals’ discovery  
 27 requests. Nor does Local 715 attempt to quantify the degree of burden that it would

1 experience.

2 Local 715 further objects that the request is “vague, ambiguous, and  
3 unintelligible” on the grounds that “it is in reference to include alleged action on behalf  
4 of multiple parties and at multiple periods of time.” This objection is itself unintelligible.  
5 The fact that a request calls for documents that relate to “multiple parties” or “multiple  
6 periods of time” is not a legitimate reason to refuse to respond. The subject matter of the  
7 request – the identity of counsel for Local 715 concerning the issues that are the subject  
8 of the complaint – is easily understood. Local 715’s assertion that the language used in  
9 the request is vague is without merit.

10 Local 715 asserts that production of documents is excused due to a privilege or  
11 other protection. The privileges and protections identified are the attorney-client  
12 privilege, the attorney work product doctrine, the National Labor Relations Act  
13 (“NLRA”) The First Amendment to the United States Constitution (“First Amendment”)  
14 and unspecified “public policy grounds.”

15 Initially, it is unclear (and Local 715 does not explain) why any of the requested  
16 documents would be privileged or protected by the First Amendment or the NLRA.  
17 Local 715 reference to “public policy” without identification whatsoever of the public  
18 policy that would prevent the disclosure of otherwise discoverable documents is not a  
19 valid ground for refusing to produce documents. However, even assuming that the First  
20 Amendment, the NLRA, or a “public policy” might privilege or protect some of the  
21 requested documents, the Federal Rules are clear that a party must do more than simply  
22 assert privileges or protections in order to preserve otherwise legitimate objections.

23 Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is  
24 withheld based on a claim of privilege or protection for trial preparation material (i.e.  
25 work product protection), the party must “describe the nature of the documents,  
26 communications, or tangible things not produced or disclosed – and do so in a manner  
27 that, without revealing information itself privileged or protected, will enable other parties

1 to assess the claim.” F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or  
 2 protection does not constitute a valid objection and may result in the waiver of any  
 3 privilege or protection that may exist. *Burlington Northern & Santa Fe Railway*  
 4 *Company v. United States District Court For The District Of Montana*, 408 F.3d 1142,  
 5 1147-1148 (9th Cir. 2005) (“boilerplate assertion of an evidentiary privilege in response  
 6 to a discovery request does not satisfy the demands of Rule 26(b)(5)”).

7 Local 715 has not even attempted to produce this required “privilege log” to  
 8 support its objections, and enable the Hospitals to evaluate its claims of privilege. Local  
 9 715 did not explain the categories of documents that are allegedly privileged or protected,  
 10 or even explain why the asserted privileges or protections are applicable to any  
 11 documents. Such patently insufficient objections are not only legally deficient, they are  
 12 indicative of bad faith and should result in the waiver of any privilege or protection that  
 13 may have otherwise existed (if any).

14 Local 715’s objections that production would violate the privacy rights of certain  
 15 unidentified third parties. In federal court cases such as the present one, where the  
 16 court’s jurisdiction is based on a federal question, federal, rather than state, privacy law  
 17 governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously,  
 18 where a party objects to discovery requests, those objections must be stated with  
 19 specificity. Here, as with Local 715’s other objections Local 715 has failed to provide  
 20 any specifics regarding the basis of its privacy objection. The objection is therefore  
 21 defective and waived. Furthermore, the right to privacy (to the extent that it applies here  
 22 at all) is not absolute, but must be weighed against the need for the information. *Ragge v.*  
 23 *MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715’s bare  
 24 assertion of third party privacy rights gives no means to evaluate the claim and balance it  
 25 against the Hospitals’ need for discovery.

26 Local 715 objects that the requested documents are not relevant. The documents,  
 27 however, pertain to the existence of Local 715. This is among the topics that the Court

1 approved as proper areas for discovery. Additionally, among the few documents  
 2 produced by Local 715 is a "Servicing Agreement" between Local 715 and UHW calling  
 3 for UHW to provide representational services for Local 715. Internal SEIU documents  
 4 also reflect that the International adopted a plan to merge Local 715's former operations  
 5 into UHW. [Ridley Decl. Exh CCC.] Finally, the Hospitals are in possession of images  
 6 from UHW's website stating that UHW represents employees in the bargaining group  
 7 formerly represented by Local 715. [Ridley Decl. Exh FFF.] There clearly is (or was) a  
 8 relationship between Local 715 and UHW, and documents responsive to the request must  
 9 be produced.

10 **REQUEST FOR PRODUCTION NO. 17:**

11 Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence  
 12 between YOU and SEIU-UHW regarding SEIU-UHW's website and/or changes thereto  
 13 from January 2006 to the present.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

15 Petitioner objects to this Request on the grounds that is it overbroad, unduly  
 16 burdensome, onerous and vague and ambiguous as to time and scope. This Request is  
 17 vague, ambiguous, and unintelligible as it is in reference to include alleged action on  
 18 behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot  
 19 provide a complete response to this Request. Petitioner objects on the ground that this  
 20 Request exceeds the scope of permissible discovery and is not likely to lead to the  
 21 discovery of admissible evidence. Petitioner also objects as this Request violates the  
 22 privacy of third parties and that this information is protected from disclosure by,  
 23 including but not limited to the attorney client privilege, work product doctrine, the  
 24 National Labor Relations Act, the First Amendment of the United States Constitution,  
 25 and on public policy grounds. Petitioner further objects to this Request on the ground  
 26 that the matter seeks unreasonably to intrude upon the right of privacy to the personal  
 27 financial affairs of third parties. After a diligent search and reasonable inquiry, and



1 without waiving any objections, there are no documents that are responsive to this  
2 request.

3 Discovery is continuing. Petitioner reserves the right to alter, amend, modify  
4 and/or supplement this response at a later time, up to and including at the time trial.

### 5 ARGUMENT

6 Local 715 objects that the request is “overbroad, unduly burdensome, onerous and  
7 vague and ambiguous as to time and scope.” It is well-established that a party responding  
8 to requests for admissions must do more than make generalized boilerplate claims of  
9 overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974  
10 (E.D.Cal. 2007) (Slip Op. at 10) (“Objections that are not sufficiently specific, such as  
11 statements that requests are overly broad, burdensome, or oppressive, are waived.”);  
12 *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) (“it is well-settled  
13 that all grounds for objection must be stated with specificity.”); *Josephs v. Harris*  
14 *Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) (“The litany of overly burdensome,  
15 oppressive, and irrelevant does not alone constitute a successful objection to a discovery  
16 request.”). Local 715 makes no attempt to describe the nature of the burden or  
17 oppression that would be visited upon it by complying with the Hospitals’ discovery  
18 requests. Nor does Local 715 attempt to quantify the degree of burden that it would  
19 experience.

20 Local 715 further objects that the request is “vague, ambiguous, and  
21 unintelligible” on the grounds that “it is in reference to include alleged action on behalf  
22 of multiple parties and at multiple periods of time.” This objection is itself unintelligible.  
23 The fact that a request calls for documents that relate to “multiple parties” or “multiple  
24 periods of time” is not a legitimate reason to refuse to respond. The subject matter of the  
25 request – the identity of counsel for Local 715 concerning the issues that are the subject  
26 of the complaint – is easily understood. Local 715’s assertion that the language used in  
27 the request is vague is without merit.

1 Local 715 asserts that production of documents is excused due to a privilege or  
 2 other protection. The privileges and protections identified are the attorney-client  
 3 privilege, the attorney work product doctrine, the National Labor Relations Act  
 4 (“NLRA”) The First Amendment to the United States Constitution (“First Amendment”)  
 5 and unspecified “public policy grounds.”

6 Initially, it is unclear (and Local 715 does not explain) why any of the requested  
 7 documents would be privileged or protected by the First Amendment or the NLRA.  
 8 Local 715 reference to “public policy” without identification whatsoever of the public  
 9 policy that would prevent the disclosure of otherwise discoverable documents is not a  
 10 valid ground for refusing to produce documents. However, even assuming that the First  
 11 Amendment, the NLRA, or a “public policy” might privilege or protect some of the  
 12 requested documents, the Federal Rules are clear that a party must do more than simply  
 13 assert privileges or protections in order to preserve otherwise legitimate objections.

14 Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is  
 15 withheld based on a claim of privilege or protection for trial preparation material (i.e.  
 16 work product protection), the party must “describe the nature of the documents,  
 17 communications, or tangible things not produced or disclosed – and do so in a manner  
 18 that, without revealing information itself privileged or protected, will enable other parties  
 19 to assess the claim.” F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or  
 20 protection does not constitute a valid objection and may result in the waiver of any  
 21 privilege or protection that may exist. *Burlington Northern & Santa Fe Railway*  
 22 *Company v. United States District Court For The District Of Montana*, 408 F.3d 1142,  
 23 1147-1148 (9th Cir. 2005) (“boilerplate assertion of an evidentiary privilege in response  
 24 to a discovery request does not satisfy the demands of Rule 26(b)(5)”).

25 Local 715 has not even attempted to produce this required “privilege log” to  
 26 support its objections, and enable the Hospitals to evaluate its claims of privilege. Local  
 27 715 did not explain the categories of documents that are allegedly privileged or protected,

1 or even explain why the asserted privileges or protections are applicable to any  
 2 documents. Such patently insufficient objections are not only legally deficient, they are  
 3 indicative of bad faith and should result in the waiver of any privilege or protection that  
 4 may have otherwise existed (if any).

5 Local 715's objections that production would violate the privacy rights of certain  
 6 unidentified third parties. In federal court cases such as the present one, where the  
 7 court's jurisdiction is based on a federal question, federal, rather than state, privacy law  
 8 governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously,  
 9 where a party objects to discovery requests, those objections must be stated with  
 10 specificity. Here, as with Local 715's other objections Local 715 has failed to provide  
 11 any specifics regarding the basis of its privacy objection. The objection is therefore  
 12 defective and waived. Furthermore, the right to privacy (to the extent that it applies here  
 13 at all) is not absolute, but must be weighed against the need for the information. *Ragge v.*  
 14 *MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare  
 15 assertion of third party privacy rights gives no means to evaluate the claim and balance it  
 16 against the Hospitals' need for discovery.

17 Local 715 objects that the requested documents are not relevant. The documents,  
 18 however, pertain to the existence of Local 715. This is among the topics that the Court  
 19 approved as proper areas for discovery. Additionally, among the few documents  
 20 produced by Local 715 is a "Servicing Agreement" between Local 715 and UHW calling  
 21 for UHW to provide representational services for Local 715. Internal SEIU documents  
 22 also reflect that the International adopted a plan to merge Local 715's former operations  
 23 into UHW. [Ridley Decl. Exh CCC.] Finally, the Hospitals are in possession of images  
 24 from UHW's website stating that UHW represents employees in the bargaining group  
 25 formerly represented by Local 715. [Ridley Decl. Exh FFF.] There clearly is (or was) a  
 26 relationship between Local 715 and UHW, and documents responsive to the request must  
 27 be produced.

**REQUEST FOR PRODUCTION NO. 18:**

Produce all DOCUMENTS and WRITINGS RELATING TO any Servicing Agreement between LOCAL 715 and SEIU-UHW.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties. Subject to and without waiving any objections, Petitioner produces SEIU0020 to SEIU0027.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

**ARGUMENT**

Local 715 objects that the request is “overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope.” It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) (“Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived.”);



1 *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) (“it is well-settled  
 2 that all grounds for objection must be stated with specificity.”); *Josephs v. Harris*  
 3 *Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) (“The litany of overly burdensome,  
 4 oppressive, and irrelevant does not alone constitute a successful objection to a discovery  
 5 request.”). Local 715 makes no attempt to describe the nature of the burden or  
 6 oppression that would be visited upon it by complying with the Hospitals’ discovery  
 7 requests. Nor does Local 715 attempt to quantify the degree of burden that it would  
 8 experience.

9 Local 715 further objects that the request is “vague, ambiguous, and  
 10 unintelligible” on the grounds that “it is in reference to include alleged action on behalf  
 11 of multiple parties and at multiple periods of time.” This objection is itself unintelligible.  
 12 The fact that a request calls for documents that relate to “multiple parties” or “multiple  
 13 periods of time” is not a legitimate reason to refuse to respond. The subject matter of the  
 14 request – the identity of counsel for Local 715 concerning the issues that are the subject  
 15 of the complaint – is easily understood. Local 715’s assertion that the language used in  
 16 the request is vague is without merit.

17 Local 715 asserts that production of documents is excused due to a privilege or  
 18 other protection. The privileges and protections identified are the attorney-client  
 19 privilege, the attorney work product doctrine, the National Labor Relations Act  
 20 (“NLRA”) The First Amendment to the United States Constitution (“First Amendment”)  
 21 and unspecified “public policy grounds.”

22 Initially, it is unclear (and Local 715 does not explain) why any of the requested  
 23 documents would be privileged or protected by the First Amendment or the NLRA.  
 24 Local 715 reference to “public policy” without identification whatsoever of the public  
 25 policy that would prevent the disclosure of otherwise discoverable documents is not a  
 26 valid ground for refusing to produce documents. However, even assuming that the First  
 27 Amendment, the NLRA, or a “public policy” might privilege or protect some of the

1 requested documents, the Federal Rules are clear that a party must do more than simply  
2 assert privileges or protections in order to preserve otherwise legitimate objections.

3 Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is  
4 withheld based on a claim of privilege or protection for trial preparation material (i.e.  
5 work product protection), the party must “describe the nature of the documents,  
6 communications, or tangible things not produced or disclosed – and do so in a manner  
7 that, without revealing information itself privileged or protected, will enable other parties  
8 to assess the claim.” F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or  
9 protection does not constitute a valid objection and may result in the waiver of any  
10 privilege or protection that may exist. *Burlington Northern & Santa Fe Railway*  
11 *Company v. United States District Court For The District Of Montana*, 408 F.3d 1142,  
12 1147-1148 (9th Cir. 2005) (“boilerplate assertion of an evidentiary privilege in response  
13 to a discovery request does not satisfy the demands of Rule 26(b)(5)”).

14 Local 715 has not even attempted to produce this required “privilege log” to  
15 support its objections, and enable the Hospitals to evaluate its claims of privilege. Local  
16 715 did not explain the categories of documents that are allegedly privileged or protected,  
17 or even explain why the asserted privileges or protections are applicable to any  
18 documents. Such patently insufficient objections are not only legally deficient, they are  
19 indicative of bad faith and should result in the waiver of any privilege or protection that  
20 may have otherwise existed (if any).

21 Local 715’s objections that production would violate the privacy rights of certain  
22 unidentified third parties. In federal court cases such as the present one, where the  
23 court’s jurisdiction is based on a federal question, federal, rather than state, privacy law  
24 governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously,  
25 where a party objects to discovery requests, those objections must be stated with  
26 specificity. Here, as with Local 715’s other objections Local 715 has failed to provide  
27 any specifics regarding the basis of its privacy objection. The objection is therefore

defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to the existence and representative status of Local 715, and legal representation provided to it. The Court has approved discovery on these issues.

Finally, there are responsive documents in the Hospitals' possession that it believes are in the possession of Local 715, but which were not produced. The Hospitals are in possession of an internal SEIU report that references the Servicing Agreement, as well as letters to and from Local 715 referring to the Servicing Agreement. [Ridley Decl. Exh. XX & CCC.] These documents were not produced by Local 715. It is likely that there are other documents not specifically known to the Hospitals, which were also not produced. Local 715 should be ordered to make a complete response to this request and sanctions should be imposed.

#### **REQUEST FOR PRODUCTION NO. 19:**

Produce all DOCUMENTS and WRITINGS RELATING TO any Servicing Agreement between LOCAL 715 and SEIU LOCAL 1877 or its successors or affiliated LOCALS.

#### **RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the

1 discovery of admissible evidence. Petitioner also objects as this Request violates the  
 2 privacy of third parties and that this information is protected from disclosure by,  
 3 including but not limited to the attorney client privilege, work product doctrine, the  
 4 National Labor Relations Act, the First Amendment of the United States Constitution,  
 5 and on public policy grounds. Petitioner further objects to this Request on the ground  
 6 that the matter seeks unreasonably to intrude upon the right of privacy to the personal  
 7 financial affairs of third parties.

8 Discovery is continuing. Petitioner reserves the right to alter, amend, modify  
 9 and/or supplement this response at a later time, up to and including at the time trial.

# 10 ARGUMENT

11 Local 715 objects that the request is “overbroad, unduly burdensome, onerous and  
 12 vague and ambiguous as to time and scope.” It is well-established that a party responding  
 13 to requests for admissions must do more than make generalized boilerplate claims of  
 14 overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974  
 15 (E.D.Cal. 2007) (Slip Op. at 10) (“Objections that are not sufficiently specific, such as  
 16 statements that requests are overly broad, burdensome, or oppressive, are waived.”);  
 17 *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) (“it is well-settled  
 18 that all grounds for objection must be stated with specificity.”); *Josephs v. Harris*  
 19 *Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) (“The litany of overly burdensome,  
 20 oppressive, and irrelevant does not alone constitute a successful objection to a discovery  
 21 request.”). Local 715 makes no attempt to describe the nature of the burden or  
 22 oppression that would be visited upon it by complying with the Hospitals’ discovery  
 23 requests. Nor does Local 715 attempt to quantify the degree of burden that it would  
 24 experience.

25 Local 715 further objects that the request is “vague, ambiguous, and  
 26 unintelligible” on the grounds that “it is in reference to include alleged action on behalf  
 27 of multiple parties and at multiple periods of time.” This objection is itself unintelligible.



1 The fact that a request calls for documents that relate to “multiple parties” or “multiple  
2 periods of time” is not a legitimate reason to refuse to respond. The subject matter of the  
3 request – the identity of counsel for Local 715 concerning the issues that are the subject  
4 of the complaint – is easily understood. Local 715’s assertion that the language used in  
5 the request is vague is without merit.

6 Local 715 asserts that production of documents is excused due to a privilege or  
7 other protection. The privileges and protections identified are the attorney-client  
8 privilege, the attorney work product doctrine, the National Labor Relations Act  
9 (“NLRA”) The First Amendment to the United States Constitution (“First Amendment”)  
10 and unspecified “public policy grounds.”

11 Initially, it is unclear (and Local 715 does not explain) why any of the requested  
12 documents would be privileged or protected by the First Amendment or the NLRA.  
13 Local 715 reference to “public policy” without identification whatsoever of the public  
14 policy that would prevent the disclosure of otherwise discoverable documents is not a  
15 valid ground for refusing to produce documents. However, even assuming that the First  
16 Amendment, the NLRA, or a “public policy” might privilege or protect some of the  
17 requested documents, the Federal Rules are clear that a party must do more than simply  
18 assert privileges or protections in order to preserve otherwise legitimate objections.

19 Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is  
20 withheld based on a claim of privilege or protection for trial preparation material (i.e.  
21 work product protection), the party must “describe the nature of the documents,  
22 communications, or tangible things not produced or disclosed – and do so in a manner  
23 that, without revealing information itself privileged or protected, will enable other parties  
24 to assess the claim.” F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or  
25 protection does not constitute a valid objection and may result in the waiver of any  
26 privilege or protection that may exist. *Burlington Northern & Santa Fe Railway*  
27 *Company v. United States District Court For The District Of Montana*, 408 F.3d 1142,

1 1147-1148 (9th Cir. 2005) (“boilerplate assertion of an evidentiary privilege in response  
2 to a discovery request does not satisfy the demands of Rule 26(b)(5)”).

3 Local 715 has not even attempted to produce this required “privilege log” to  
4 support its objections, and enable the Hospitals to evaluate its claims of privilege. Local  
5 715 did not explain the categories of documents that are allegedly privileged or protected,  
6 or even explain why the asserted privileges or protections are applicable to any  
7 documents. Such patently insufficient objections are not only legally deficient, they are  
8 indicative of bad faith and should result in the waiver of any privilege or protection that  
9 may have otherwise existed (if any).

10 Local 715’s objections that production would violate the privacy rights of certain  
11 unidentified third parties. In federal court cases such as the present one, where the  
12 court’s jurisdiction is based on a federal question, federal, rather than state, privacy law  
13 governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously,  
14 where a party objects to discovery requests, those objections must be stated with  
15 specificity. Here, as with Local 715’s other objections Local 715 has failed to provide  
16 any specifics regarding the basis of its privacy objection. The objection is therefore  
17 defective and waived. Furthermore, the right to privacy (to the extent that it applies here  
18 at all) is not absolute, but must be weighed against the need for the information. *Ragge v.*  
19 *MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715’s bare  
20 assertion of third party privacy rights gives no means to evaluate the claim and balance it  
21 against the Hospitals’ need for discovery.

22 Local 715 objects that the requested documents are not relevant. The documents,  
23 however, pertain to the existence, representative capacity, and legal services provided to  
24 Local 715. The Court has approved discovery on these issues.

25 **REQUEST FOR PRODUCTION NO. 20:**

26 Produce all DOCUMENTS and WRITINGS RELATING TO Weinberg, Roger &  
27 Rosenfeld’s representation of LOCAL 715 from January 2006 to the present. This

request does not seek production of DOCUMENTS and WRITINGS concerning counsel's advice but merely seeks production of DOCUMENTS and WRITINGS RELATING TO Weinberg, Roger & Rosenfeld's retention to represent LOCAL 715.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

**ARGUMENT**

Local 715 objects that the request is "overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope." It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) ("Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived."); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) ("it is well-settled

1 that all grounds for objection must be stated with specificity.”); *Josephs v. Harris*  
2 *Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) (“The litany of overly burdensome,  
3 oppressive, and irrelevant does not alone constitute a successful objection to a discovery  
4 request.”). Local 715 makes no attempt to describe the nature of the burden or  
5 oppression that would be visited upon it by complying with the Hospitals’ discovery  
6 requests. Nor does Local 715 attempt to quantify the degree of burden that it would  
7 experience.

8 Local 715 further objects that the request is “vague, ambiguous, and  
9 unintelligible” on the grounds that “it is in reference to include alleged action on behalf  
10 of multiple parties and at multiple periods of time.” This objection is itself unintelligible.  
11 The fact that a request calls for documents that relate to “multiple parties” or “multiple  
12 periods of time” is not a legitimate reason to refuse to respond. The subject matter of the  
13 request – the identity of counsel for Local 715 concerning the issues that are the subject  
14 of the complaint – is easily understood. Local 715’s assertion that the language used in  
15 the request is vague is without merit.

16 Local 715 asserts that production of documents is excused due to a privilege or  
17 other protection. The privileges and protections identified are the attorney-client  
18 privilege, the attorney work product doctrine, the National Labor Relations Act  
19 (“NLRA”) The First Amendment to the United States Constitution (“First Amendment”)  
20 and unspecified “public policy grounds.”

21 Initially, it is unclear (and Local 715 does not explain) why any of the requested  
22 documents would be privileged or protected by the First Amendment or the NLRA.  
23 Local 715 reference to “public policy” without identification whatsoever of the public  
24 policy that would prevent the disclosure of otherwise discoverable documents is not a  
25 valid ground for refusing to produce documents. However, even assuming that the First  
26 Amendment, the NLRA, or a “public policy” might privilege or protect some of the  
27 requested documents, the Federal Rules are clear that a party must do more than simply



1 assert privileges or protections in order to preserve otherwise legitimate objections.

2 Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is  
 3 withheld based on a claim of privilege or protection for trial preparation material (i.e.  
 4 work product protection), the party must “describe the nature of the documents,  
 5 communications, or tangible things not produced or disclosed – and do so in a manner  
 6 that, without revealing information itself privileged or protected, will enable other parties  
 7 to assess the claim.” F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or  
 8 protection does not constitute a valid objection and may result in the waiver of any  
 9 privilege or protection that may exist. *Burlington Northern & Santa Fe Railway*  
 10 *Company v. United States District Court For The District Of Montana*, 408 F.3d 1142,  
 11 1147-1148 (9th Cir. 2005) (“boilerplate assertion of an evidentiary privilege in response  
 12 to a discovery request does not satisfy the demands of Rule 26(b)(5)”).

13 Local 715 has not even attempted to produce this required “privilege log” to  
 14 support its objections, and enable the Hospitals to evaluate its claims of privilege. Local  
 15 715 did not explain the categories of documents that are allegedly privileged or protected,  
 16 or even explain why the asserted privileges or protections are applicable to any  
 17 documents. Such patently insufficient objections are not only legally deficient, they are  
 18 indicative of bad faith and should result in the waiver of any privilege or protection that  
 19 may have otherwise existed (if any).

20 Local 715’s objections that production would violate the privacy rights of certain  
 21 unidentified third parties. In federal court cases such as the present one, where the  
 22 court’s jurisdiction is based on a federal question, federal, rather than state, privacy law  
 23 governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously,  
 24 where a party objects to discovery requests, those objections must be stated with  
 25 specificity. Here, as with Local 715’s other objections Local 715 has failed to provide  
 26 any specifics regarding the basis of its privacy objection. The objection is therefore  
 27 defective and waived. Furthermore, the right to privacy (to the extent that it applies here

at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to the legal representation of Local 715. The Court has approved discovery on these issues.

Finally, there are responsive documents in the Hospitals' possession that it believes are in the possession of Local 715, but which were not produced. The Hospitals are in possession of letters to and from Weinberg Roger and Rosenfeld concerning the firm's representation of Local 715. [Ridley Decl. Exh. XX.] These documents were not produced by Local 715. It is likely that there are other documents not specifically known to the Hospitals, which were also not produced. Local 715 should be ordered to make a complete response to this request and sanctions should be imposed.

**REQUEST FOR PRODUCTION NO. 21:**

Produce all DOCUMENTS and WRITINGS RELATING TO Altshuler Berzon LLP's representation of LOCAL 715 from January 2007 to the present. This request does not seek production of DOCUMENTS and WRITINGS concerning counsel's advice but merely seeks production of DOCUMENTS and WRITINGS RELATING TO Altshuler Berzon's retention to represent LOCAL 715.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the

discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

### **ARGUMENT**

Local 715 objects that the request is “overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope.” It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) (“Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived.”); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) (“it is well-settled that all grounds for objection must be stated with specificity.”); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) (“The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request.”). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals’ discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is “vague, ambiguous, and unintelligible” on the grounds that “it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time.” This objection is itself unintelligible.

1 The fact that a request calls for documents that relate to “multiple parties” or “multiple  
 2 periods of time” is not a legitimate reason to refuse to respond. The subject matter of the  
 3 request – the identity of counsel for Local 715 concerning the issues that are the subject  
 4 of the complaint – is easily understood. Local 715’s assertion that the language used in  
 5 the request is vague is without merit.

6 Local 715 asserts that production of documents is excused due to a privilege or  
 7 other protection. The privileges and protections identified are the attorney-client  
 8 privilege, the attorney work product doctrine, the National Labor Relations Act  
 9 (“NLRA”) The First Amendment to the United States Constitution (“First Amendment”)  
 10 and unspecified “public policy grounds.”

11 Initially, it is unclear (and Local 715 does not explain) why any of the requested  
 12 documents would be privileged or protected by the First Amendment or the NLRA.  
 13 Local 715 reference to “public policy” without identification whatsoever of the public  
 14 policy that would prevent the disclosure of otherwise discoverable documents is not a  
 15 valid ground for refusing to produce documents. However, even assuming that the First  
 16 Amendment, the NLRA, or a “public policy” might privilege or protect some of the  
 17 requested documents, the Federal Rules are clear that a party must do more than simply  
 18 assert privileges or protections in order to preserve otherwise legitimate objections.

19 Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is  
 20 withheld based on a claim of privilege or protection for trial preparation material (i.e.  
 21 work product protection), the party must “describe the nature of the documents,  
 22 communications, or tangible things not produced or disclosed – and do so in a manner  
 23 that, without revealing information itself privileged or protected, will enable other parties  
 24 to assess the claim.” F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or  
 25 protection does not constitute a valid objection and may result in the waiver of any  
 26 privilege or protection that may exist. *Burlington Northern & Santa Fe Railway*  
 27 *Company v. United States District Court For The District Of Montana*, 408 F.3d 1142,



1 1147-1148 (9th Cir. 2005) (“boilerplate assertion of an evidentiary privilege in response  
2 to a discovery request does not satisfy the demands of Rule 26(b)(5)”).

3 Local 715 has not even attempted to produce this required “privilege log” to  
4 support its objections, and enable the Hospitals to evaluate its claims of privilege. Local  
5 715 did not explain the categories of documents that are allegedly privileged or protected,  
6 or even explain why the asserted privileges or protections are applicable to any  
7 documents. Such patently insufficient objections are not only legally deficient, they are  
8 indicative of bad faith and should result in the waiver of any privilege or protection that  
9 may have otherwise existed (if any).

10 Local 715’s objections that production would violate the privacy rights of certain  
11 unidentified third parties. In federal court cases such as the present one, where the  
12 court’s jurisdiction is based on a federal question, federal, rather than state, privacy law  
13 governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously,  
14 where a party objects to discovery requests, those objections must be stated with  
15 specificity. Here, as with Local 715’s other objections Local 715 has failed to provide  
16 any specifics regarding the basis of its privacy objection. The objection is therefore  
17 defective and waived. Furthermore, the right to privacy (to the extent that it applies here  
18 at all) is not absolute, but must be weighed against the need for the information. *Ragge v.*  
19 *MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715’s bare  
20 assertion of third party privacy rights gives no means to evaluate the claim and balance it  
21 against the Hospitals’ need for discovery.

22 Local 715 objects that the requested documents are not relevant. The documents,  
23 however, pertain to the legal representation of Local 715. The Court has approved  
24 discovery on these issues.

25 Finally, there are responsive documents in the Hospitals’ possession that it  
26 believes are in the possession of Local 715, but which were not produced. The Hospitals  
27 are in possession of letters to and from Altshuler Berzon pertaining to the firm’s

1 representation of Local 715. [Ridley Decl. Exh. XX.] These documents were not  
 2 produced by Local 715. It is likely that there are other documents not specifically known  
 3 to the Hospitals, which were also not produced. Local 715 should be ordered to make a  
 4 complete response to this request and sanctions should be imposed.

5 **REQUEST FOR PRODUCTION NO. 27:**

6 Produce all DOCUMENTS and WRITINGS RELATING TO any exchange of  
 7 funds between LOCAL 715 and LOCAL 521 (including, without limitation, any transfer  
 8 of funds, payment of funds and/or receipt of funds).

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

10 Petitioner objects to this Request on the grounds that is it overbroad, unduly  
 11 burdensome, onerous and vague and ambiguous as to time and scope. This Request is  
 12 vague, ambiguous, and unintelligible as it is in reference to include alleged action on  
 13 behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot  
 14 provide a complete response to this Request. This Request is vague as to the meaning of  
 15 “exchange of funds”. Petitioner objects on the ground that this Request exceeds the  
 16 scope of permissible discovery and is not likely to lead to the discovery of admissible  
 17 evidence. Petitioner also objects as this Request violates the privacy of third parties and  
 18 that this information is protected from disclosure by, including but not limited to the  
 19 attorney client privilege, work product doctrine, the National Labor Relations Act, the  
 20 First Amendment of the United States Constitution, and on public policy grounds.  
 21 Petitioner further objects to this Request on the ground that the matter seeks unreasonably  
 22 to intrude upon the right of privacy to the personal financial affairs of third parties.

23 Discovery is continuing. Petitioner reserves the right to alter, amend, modify  
 24 and/or supplement this response at a later time, up to and including at the time trial.

25 **ARGUMENT**

26 Local 715 objects that the request is “overbroad, unduly burdensome, onerous and  
 27 vague and ambiguous as to time and scope.” It is well-established that a party responding

1 to requests for admissions must do more than make generalized boilerplate claims of  
 2 overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974  
 3 (E.D.Cal. 2007) (Slip Op. at 10) (“Objections that are not sufficiently specific, such as  
 4 statements that requests are overly broad, burdensome, or oppressive, are waived.”);  
 5 *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) (“it is well-settled  
 6 that all grounds for objection must be stated with specificity.”); *Josephs v. Harris*  
 7 *Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) (“The litany of overly burdensome,  
 8 oppressive, and irrelevant does not alone constitute a successful objection to a discovery  
 9 request.”). Local 715 makes no attempt to describe the nature of the burden or  
 10 oppression that would be visited upon it by complying with the Hospitals’ discovery  
 11 requests. Nor does Local 715 attempt to quantify the degree of burden that it would  
 12 experience.

13 Local 715 further objects that the request is “vague, ambiguous, and  
 14 unintelligible” on the grounds that “it is in reference to include alleged action on behalf  
 15 of multiple parties and at multiple periods of time.” This objection is itself unintelligible.  
 16 The fact that a request calls for documents that relate to “multiple parties” or “multiple  
 17 periods of time” is not a legitimate reason to refuse to respond. The subject matter of the  
 18 request – the identity of counsel for Local 715 concerning the issues that are the subject  
 19 of the complaint – is easily understood. Local 715’s assertion that the language used in  
 20 the request is vague is without merit.

21 Local 715 asserts that production of documents is excused due to a privilege or  
 22 other protection. The privileges and protections identified are the attorney-client  
 23 privilege, the attorney work product doctrine, the National Labor Relations Act  
 24 (“NLRA”) The First Amendment to the United States Constitution (“First Amendment”)  
 25 and unspecified “public policy grounds.”

26 Initially, it is unclear (and Local 715 does not explain) why any of the requested  
 27 documents would be privileged or protected by the First Amendment or the NLRA.

Local 715 reference to “public policy” without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First Amendment, the NLRA, or a “public policy” might privilege or protect some of the requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must “describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim.” F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) (“boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)”).

Local 715 has not even attempted to produce this required “privilege log” to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715’s objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court’s jurisdiction is based on a federal question, federal, rather than state, privacy law



governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715's other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to the existence and resources of Local 715. The Court has approved discovery on these issues.

**REQUEST FOR PRODUCTION NO. 28:**

Produce all DOCUMENTS and WRITINGS RELATING TO all notices of Executive Board meetings and/or Special Executive Board meetings for LOCAL 715 between July 1, 2005 and June 9, 2007.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 28:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. This Request is vague as to the meaning of "all notices of Executive Board meetings and/or Special Executive Board meetings". Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege,

work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

### **ARGUMENT**

Local 715 objects that the request is “overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope.” It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) (“Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived.”); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) (“it is well-settled that all grounds for objection must be stated with specificity.”); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) (“The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request.”). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals’ discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is “vague, ambiguous, and unintelligible” on the grounds that “it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time.” This objection is itself unintelligible. The fact that a request calls for documents that relate to “multiple parties” or “multiple periods of time” is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject

1 of the complaint – is easily understood. Local 715’s assertion that the language used in  
 2 the request is vague is without merit.

3 Local 715 asserts that production of documents is excused due to a privilege or  
 4 other protection. The privileges and protections identified are the attorney-client  
 5 privilege, the attorney work product doctrine, the National Labor Relations Act  
 6 (“NLRA”) The First Amendment to the United States Constitution (“First Amendment”)  
 7 and unspecified “public policy grounds.”

8 Initially, it is unclear (and Local 715 does not explain) why any of the requested  
 9 documents would be privileged or protected by the First Amendment or the NLRA.  
 10 Local 715 reference to “public policy” without identification whatsoever of the public  
 11 policy that would prevent the disclosure of otherwise discoverable documents is not a  
 12 valid ground for refusing to produce documents. However, even assuming that the First  
 13 Amendment, the NLRA, or a “public policy” might privilege or protect some of the  
 14 requested documents, the Federal Rules are clear that a party must do more than simply  
 15 assert privileges or protections in order to preserve otherwise legitimate objections.

16 Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is  
 17 withheld based on a claim of privilege or protection for trial preparation material (i.e.  
 18 work product protection), the party must “describe the nature of the documents,  
 19 communications, or tangible things not produced or disclosed – and do so in a manner  
 20 that, without revealing information itself privileged or protected, will enable other parties  
 21 to assess the claim.” F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or  
 22 protection does not constitute a valid objection and may result in the waiver of any  
 23 privilege or protection that may exist. *Burlington Northern & Santa Fe Railway*  
 24 *Company v. United States District Court For The District Of Montana*, 408 F.3d 1142,  
 25 1147-1148 (9th Cir. 2005) (“boilerplate assertion of an evidentiary privilege in response  
 26 to a discovery request does not satisfy the demands of Rule 26(b)(5)”).

27 Local 715 has not even attempted to produce this required “privilege log” to  
 28

1 support its objections, and enable the Hospitals to evaluate its claims of privilege. Local  
 2 715 did not explain the categories of documents that are allegedly privileged or protected,  
 3 or even explain why the asserted privileges or protections are applicable to any  
 4 documents. Such patently insufficient objections are not only legally deficient, they are  
 5 indicative of bad faith and should result in the waiver of any privilege or protection that  
 6 may have otherwise existed (if any).

7 Local 715's objections that production would violate the privacy rights of certain  
 8 unidentified third parties. In federal court cases such as the present one, where the  
 9 court's jurisdiction is based on a federal question, federal, rather than state, privacy law  
 10 governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously,  
 11 where a party objects to discovery requests, those objections must be stated with  
 12 specificity. Here, as with Local 715's other objections Local 715 has failed to provide  
 13 any specifics regarding the basis of its privacy objection. The objection is therefore  
 14 defective and waived. Furthermore, the right to privacy (to the extent that it applies here  
 15 at all) is not absolute, but must be weighed against the need for the information. *Ragge v.*  
 16 *MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare  
 17 assertion of third party privacy rights gives no means to evaluate the claim and balance it  
 18 against the Hospitals' need for discovery.

19 Local 715 objects that the requested documents are not relevant. The documents,  
 20 however, pertain to the existence and representative status of Local 715. The Court has  
 21 approved discovery on these issues.

22 **REQUEST FOR PRODUCTION NO. 31:**

23 Produce all DOCUMENTS and WRITINGS RELATING TO all minutes of  
 24 Executive Board meetings for LOCAL 715 held between July 1, 2005 and June 9, 2007  
 25 including, without limitation, a list of those in attendance and those not in attendance at  
 26 said meetings.



**RESPONSE TO REQUEST FOR PRODUCTION NO. 31:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

**ARGUMENT**

Local 715 objects that the request is “overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope.” It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) (“Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived.”); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) (“it is well-settled that all grounds for objection must be stated with specificity.”); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) (“The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery

request.”). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals’ discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is “vague, ambiguous, and unintelligible” on the grounds that “it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time.” This objection is itself unintelligible. The fact that a request calls for documents that relate to “multiple parties” or “multiple periods of time” is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject of the complaint – is easily understood. Local 715’s assertion that the language used in the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client privilege, the attorney work product doctrine, the National Labor Relations Act (“NLRA”) The First Amendment to the United States Constitution (“First Amendment”) and unspecified “public policy grounds.”

Initially, it is unclear (and Local 715 does not explain) why any of the requested documents would be privileged or protected by the First Amendment or the NLRA. Local 715 reference to “public policy” without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First Amendment, the NLRA, or a “public policy” might privilege or protect some of the requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e.

work product protection), the party must “describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim.” F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) (“boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)”).

Local 715 has not even attempted to produce this required “privilege log” to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715’s objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court’s jurisdiction is based on a federal question, federal, rather than state, privacy law governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715’s other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715’s bare assertion of third party privacy rights gives no means to evaluate the claim and balance it

1 against the Hospitals' need for discovery.

2 Local 715 objects that the requested documents are not relevant. The documents,  
3 however, pertain to the existence and representative status of Local 715. The Court has  
4 approved discovery on these issues.

5 **REQUEST FOR PRODUCTION NO. 34:**

6 Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 715's  
7 annual budget and/or budgets covering and/or applicable to calendar year 2007 or any  
8 portion thereof.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 34:**

10 Petitioner objects to this Request on the grounds that is it overbroad, unduly  
11 burdensome, onerous and vague and ambiguous as to time and scope. This Request is  
12 vague, ambiguous, and unintelligible as it is in reference to include alleged action on  
13 behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot  
14 provide a complete response to this Request. This Request is vague as to the meaning of  
15 "annual budget and/or budgets". Petitioner objects on the ground that this Request  
16 exceeds the scope of permissible discovery and is not likely to lead to the discovery of  
17 admissible evidence. Petitioner also objects as this Request violates the privacy of third  
18 parties and that this information is protected from disclosure by, including but not limited  
19 to the attorney client privilege, work product doctrine, the National Labor Relations Act,  
20 the First Amendment of the United States Constitution, and on public policy grounds.  
21 Petitioner further objects to this Request on the ground that the matter seeks unreasonably  
22 to intrude upon the right of privacy to the personal financial affairs of third parties.

23 Discovery is continuing. Petitioner reserves the right to alter, amend, modify  
24 and/or supplement this response at a later time, up to and including at the time trial.

25 **ARGUMENT**

26 Local 715 objects that the request is "overbroad, unduly burdensome, onerous and  
27 vague and ambiguous as to time and scope." It is well-established that a party responding



1 to requests for admissions must do more than make generalized boilerplate claims of  
 2 overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974  
 3 (E.D.Cal. 2007) (Slip Op. at 10) (“Objections that are not sufficiently specific, such as  
 4 statements that requests are overly broad, burdensome, or oppressive, are waived.”);  
 5 *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) (“it is well-settled  
 6 that all grounds for objection must be stated with specificity.”); *Josephs v. Harris*  
 7 *Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) (“The litany of overly burdensome,  
 8 oppressive, and irrelevant does not alone constitute a successful objection to a discovery  
 9 request.”). Local 715 makes no attempt to describe the nature of the burden or  
 10 oppression that would be visited upon it by complying with the Hospitals’ discovery  
 11 requests. Nor does Local 715 attempt to quantify the degree of burden that it would  
 12 experience.

13 Local 715 further objects that the request is “vague, ambiguous, and  
 14 unintelligible” on the grounds that “it is in reference to include alleged action on behalf  
 15 of multiple parties and at multiple periods of time.” This objection is itself unintelligible.  
 16 The fact that a request calls for documents that relate to “multiple parties” or “multiple  
 17 periods of time” is not a legitimate reason to refuse to respond. The subject matter of the  
 18 request – the identity of counsel for Local 715 concerning the issues that are the subject  
 19 of the complaint – is easily understood. Local 715’s assertion that the language used in  
 20 the request is vague is without merit.

21 Local 715 asserts that production of documents is excused due to a privilege or  
 22 other protection. The privileges and protections identified are the attorney-client  
 23 privilege, the attorney work product doctrine, the National Labor Relations Act  
 24 (“NLRA”) The First Amendment to the United States Constitution (“First Amendment”)  
 25 and unspecified “public policy grounds.”

26 Initially, it is unclear (and Local 715 does not explain) why any of the requested  
 27 documents would be privileged or protected by the First Amendment or the NLRA.

Local 715 reference to “public policy” without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First Amendment, the NLRA, or a “public policy” might privilege or protect some of the requested documents, the Federal Rules are clear that a party must do more than simply assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must “describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim.” F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) (“boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)”).

Local 715 has not even attempted to produce this required “privilege log” to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).

Local 715’s objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court’s jurisdiction is based on a federal question, federal, rather than state, privacy law

governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715's other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to the existence and resources of Local 715. The Court has approved discovery on these issues.

Finally, there are responsive documents in the Hospitals' possession that it believes are in the possession of Local 715, but which were not produced. The Hospitals are in possession of LM-2 reports that Local 715 filed with the Department of Labor. [Ridley Decl. Exh. DDD- EEE.] These reports were not produced by Local 715, nor were the underlying documents that were used to generate the report produced. It is likely that there are other documents not specifically known to the Hospitals, which were also not produced. Local 715 should be ordered to make a complete response to this request and sanctions should be imposed.

**REQUEST FOR PRODUCTION NO. 37:**

Produce all DOCUMENTS and WRITINGS RELATING TO all minutes of any general membership meetings for LOCAL 715 (including, without limitation, all regular and special general membership meetings) held between July 1, 2005 and June 9, 2007.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 37:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is

vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

#### **ARGUMENT**

Local 715 objects that the request is “overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope.” It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) (“Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived.”); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) (“it is well-settled that all grounds for objection must be stated with specificity.”); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) (“The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request.”). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals’ discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would



1 experience.

2 Local 715 further objects that the request is “vague, ambiguous, and  
3 unintelligible” on the grounds that “it is in reference to include alleged action on behalf  
4 of multiple parties and at multiple periods of time.” This objection is itself unintelligible.  
5 The fact that a request calls for documents that relate to “multiple parties” or “multiple  
6 periods of time” is not a legitimate reason to refuse to respond. The subject matter of the  
7 request – the identity of counsel for Local 715 concerning the issues that are the subject  
8 of the complaint – is easily understood. Local 715’s assertion that the language used in  
9 the request is vague is without merit.

10 Local 715 asserts that production of documents is excused due to a privilege or  
11 other protection. The privileges and protections identified are the attorney-client  
12 privilege, the attorney work product doctrine, the National Labor Relations Act  
13 (“NLRA”) The First Amendment to the United States Constitution (“First Amendment”)  
14 and unspecified “public policy grounds.”

15 Initially, it is unclear (and Local 715 does not explain) why any of the requested  
16 documents would be privileged or protected by the First Amendment or the NLRA.  
17 Local 715 reference to “public policy” without identification whatsoever of the public  
18 policy that would prevent the disclosure of otherwise discoverable documents is not a  
19 valid ground for refusing to produce documents. However, even assuming that the First  
20 Amendment, the NLRA, or a “public policy” might privilege or protect some of the  
21 requested documents, the Federal Rules are clear that a party must do more than simply  
22 assert privileges or protections in order to preserve otherwise legitimate objections.

23 Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is  
24 withheld based on a claim of privilege or protection for trial preparation material (i.e.  
25 work product protection), the party must “describe the nature of the documents,  
26 communications, or tangible things not produced or disclosed – and do so in a manner  
27 that, without revealing information itself privileged or protected, will enable other parties

1 to assess the claim.” F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or  
 2 protection does not constitute a valid objection and may result in the waiver of any  
 3 privilege or protection that may exist. *Burlington Northern & Santa Fe Railway*  
 4 *Company v. United States District Court For The District Of Montana*, 408 F.3d 1142,  
 5 1147-1148 (9th Cir. 2005) (“boilerplate assertion of an evidentiary privilege in response  
 6 to a discovery request does not satisfy the demands of Rule 26(b)(5)”).

7 Local 715 has not even attempted to produce this required “privilege log” to  
 8 support its objections, and enable the Hospitals to evaluate its claims of privilege. Local  
 9 715 did not explain the categories of documents that are allegedly privileged or protected,  
 10 or even explain why the asserted privileges or protections are applicable to any  
 11 documents. Such patently insufficient objections are not only legally deficient, they are  
 12 indicative of bad faith and should result in the waiver of any privilege or protection that  
 13 may have otherwise existed (if any).

14 Local 715’s objections that production would violate the privacy rights of certain  
 15 unidentified third parties. In federal court cases such as the present one, where the  
 16 court’s jurisdiction is based on a federal question, federal, rather than state, privacy law  
 17 governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously,  
 18 where a party objects to discovery requests, those objections must be stated with  
 19 specificity. Here, as with Local 715’s other objections Local 715 has failed to provide  
 20 any specifics regarding the basis of its privacy objection. The objection is therefore  
 21 defective and waived. Furthermore, the right to privacy (to the extent that it applies here  
 22 at all) is not absolute, but must be weighed against the need for the information. *Ragge v.*  
 23 *MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715’s bare  
 24 assertion of third party privacy rights gives no means to evaluate the claim and balance it  
 25 against the Hospitals’ need for discovery.

26 Local 715 objects that the requested documents are not relevant. The documents,  
 27 however, pertain to the existence and representative status of Local 715. The Court has

1 approved discovery on these issues.

2 **REQUEST FOR PRODUCTION NO. 40:**

3 Produce all DOCUMENTS and WRITINGS RELATING TO all bank records of  
4 LOCAL 715 showing all dues receipts deposits in accounts held by LOCAL 715 from  
5 January 2006 to the present.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 40:**

7 Petitioner objects to this Request on the grounds that is it overbroad, unduly  
8 burdensome, onerous and vague and ambiguous as to time and scope. This Request is  
9 vague, ambiguous, and unintelligible as it is in reference to include alleged action on  
10 behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot  
11 provide a complete response to this Request. Petitioner objects on the ground that this  
12 Request exceeds the scope of permissible discovery and is not likely to lead to the  
13 discovery of admissible evidence. Petitioner also objects as this Request violates the  
14 privacy of third parties and that this information is protected from disclosure by,  
15 including but not limited to the attorney client privilege, work product doctrine, the  
16 National Labor Relations Act, the First Amendment of the United States Constitution,  
17 and on public policy grounds. Petitioner further objects to this Request on the ground  
18 that the matter seeks unreasonably to intrude upon the right of privacy to the personal  
19 financial affairs of third parties.

20 Discovery is continuing. Petitioner reserves the right to alter, amend, modify  
21 and/or supplement this response at a later time, up to and including at the time trial.

22 **ARGUMENT**

23 Local 715 objects that the request is “overbroad, unduly burdensome, onerous and  
24 vague and ambiguous as to time and scope.” It is well-established that a party responding  
25 to requests for admissions must do more than make generalized boilerplate claims of  
26 overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974  
27 (E.D.Cal. 2007) (Slip Op. at 10) (“Objections that are not sufficiently specific, such as  
28

statements that requests are overly broad, burdensome, or oppressive, are waived.”); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) (“it is well-settled that all grounds for objection must be stated with specificity.”); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) (“The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request.”). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals’ discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is “vague, ambiguous, and unintelligible” on the grounds that “it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time.” This objection is itself unintelligible. The fact that a request calls for documents that relate to “multiple parties” or “multiple periods of time” is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject of the complaint – is easily understood. Local 715’s assertion that the language used in the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client privilege, the attorney work product doctrine, the National Labor Relations Act (“NLRA”) The First Amendment to the United States Constitution (“First Amendment”) and unspecified “public policy grounds.”

Initially, it is unclear (and Local 715 does not explain) why any of the requested documents would be privileged or protected by the First Amendment or the NLRA. Local 715 reference to “public policy” without identification whatsoever of the public policy that would prevent the disclosure of otherwise discoverable documents is not a valid ground for refusing to produce documents. However, even assuming that the First



1 Amendment, the NLRA, or a “public policy” might privilege or protect some of the  
 2 requested documents, the Federal Rules are clear that a party must do more than simply  
 3 assert privileges or protections in order to preserve otherwise legitimate objections.

4 Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is  
 5 withheld based on a claim of privilege or protection for trial preparation material (i.e.  
 6 work product protection), the party must “describe the nature of the documents,  
 7 communications, or tangible things not produced or disclosed – and do so in a manner  
 8 that, without revealing information itself privileged or protected, will enable other parties  
 9 to assess the claim.” F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or  
 10 protection does not constitute a valid objection and may result in the waiver of any  
 11 privilege or protection that may exist. *Burlington Northern & Santa Fe Railway*  
 12 *Company v. United States District Court For The District Of Montana*, 408 F.3d 1142,  
 13 1147-1148 (9th Cir. 2005) (“boilerplate assertion of an evidentiary privilege in response  
 14 to a discovery request does not satisfy the demands of Rule 26(b)(5)”).

15 Local 715 has not even attempted to produce this required “privilege log” to  
 16 support its objections, and enable the Hospitals to evaluate its claims of privilege. Local  
 17 715 did not explain the categories of documents that are allegedly privileged or protected,  
 18 or even explain why the asserted privileges or protections are applicable to any  
 19 documents. Such patently insufficient objections are not only legally deficient, they are  
 20 indicative of bad faith and should result in the waiver of any privilege or protection that  
 21 may have otherwise existed (if any).

22 Local 715’s objections that production would violate the privacy rights of certain  
 23 unidentified third parties. In federal court cases such as the present one, where the  
 24 court’s jurisdiction is based on a federal question, federal, rather than state, privacy law  
 25 governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously,  
 26 where a party objects to discovery requests, those objections must be stated with  
 27 specificity. Here, as with Local 715’s other objections Local 715 has failed to provide

any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to existence and resources of Local 715. The Court has approved discovery on these issues.

**REQUEST FOR PRODUCTION NO. 42:**

Produce all DOCUMENTS and WRITINGS RELATING TO all bank records of SEIU-UHW showing all dues receipts deposits in accounts held by SEIU-UHW received from or on behalf of any employees of RESPONDENT from January 2006 to the present.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 42:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

### **ARGUMENT**

Local 715 objects that the request is “overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope.” It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) (“Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived.”); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) (“it is well-settled that all grounds for objection must be stated with specificity.”); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) (“The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request.”). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals’ discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is “vague, ambiguous, and unintelligible” on the grounds that “it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time.” This objection is itself unintelligible. The fact that a request calls for documents that relate to “multiple parties” or “multiple periods of time” is not a legitimate reason to refuse to respond. The subject matter of the request – the identity of counsel for Local 715 concerning the issues that are the subject of the complaint – is easily understood. Local 715’s assertion that the language used in the request is vague is without merit.

Local 715 asserts that production of documents is excused due to a privilege or other protection. The privileges and protections identified are the attorney-client



1 privilege, the attorney work product doctrine, the National Labor Relations Act  
 2 (“NLRA”) The First Amendment to the United States Constitution (“First Amendment”)  
 3 and unspecified “public policy grounds.”

4 Initially, it is unclear (and Local 715 does not explain) why any of the requested  
 5 documents would be privileged or protected by the First Amendment or the NLRA.  
 6 Local 715 reference to “public policy” without identification whatsoever of the public  
 7 policy that would prevent the disclosure of otherwise discoverable documents is not a  
 8 valid ground for refusing to produce documents. However, even assuming that the First  
 9 Amendment, the NLRA, or a “public policy” might privilege or protect some of the  
 10 requested documents, the Federal Rules are clear that a party must do more than simply  
 11 assert privileges or protections in order to preserve otherwise legitimate objections.

12 Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is  
 13 withheld based on a claim of privilege or protection for trial preparation material (i.e.  
 14 work product protection), the party must “describe the nature of the documents,  
 15 communications, or tangible things not produced or disclosed – and do so in a manner  
 16 that, without revealing information itself privileged or protected, will enable other parties  
 17 to assess the claim.” F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or  
 18 protection does not constitute a valid objection and may result in the waiver of any  
 19 privilege or protection that may exist. *Burlington Northern & Santa Fe Railway*  
 20 *Company v. United States District Court For The District Of Montana*, 408 F.3d 1142,  
 21 1147-1148 (9th Cir. 2005) (“boilerplate assertion of an evidentiary privilege in response  
 22 to a discovery request does not satisfy the demands of Rule 26(b)(5)”).

23 Local 715 has not even attempted to produce this required “privilege log” to  
 24 support its objections, and enable the Hospitals to evaluate its claims of privilege. Local  
 25 715 did not explain the categories of documents that are allegedly privileged or protected,  
 26 or even explain why the asserted privileges or protections are applicable to any  
 27 documents. Such patently insufficient objections are not only legally deficient, they are



1 indicative of bad faith and should result in the waiver of any privilege or protection that  
2 may have otherwise existed (if any).

3 Local 715's objections that production would violate the privacy rights of certain  
4 unidentified third parties. In federal court cases such as the present one, where the  
5 court's jurisdiction is based on a federal question, federal, rather than state, privacy law  
6 governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously,  
7 where a party objects to discovery requests, those objections must be stated with  
8 specificity. Here, as with Local 715's other objections Local 715 has failed to provide  
9 any specifics regarding the basis of its privacy objection. The objection is therefore  
10 defective and waived. Furthermore, the right to privacy (to the extent that it applies here  
11 at all) is not absolute, but must be weighed against the need for the information. *Ragge v.*  
12 *MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare  
13 assertion of third party privacy rights gives no means to evaluate the claim and balance it  
14 against the Hospitals' need for discovery.

15 Local 715 objects that the requested documents are not relevant. The documents,  
16 however, pertain to the existence and resources of Local 715. The Court has approved  
17 discovery on these issues.

18 **REQUEST FOR PRODUCTION NO. 43:**

19 Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or  
20 other appointment of any employee of SEIU-UHW to provide services to LOCAL 715  
21 RELATING TO the representation of any employees of RESPONDENT.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 43:**

23 Petitioner objects to this Request on the grounds that is it overbroad, unduly  
24 burdensome, onerous and vague and ambiguous as to time and scope. This Request is  
25 vague, ambiguous, and unintelligible as it is in reference to include alleged action on  
26 behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot  
27 provide a complete response to this Request. Petitioner objects on the ground that this

Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties. After a diligent search and reasonable inquiry, and without waiving any objections, without Petitioner produces SEIU0020 to SEIU0027.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

## **ARGUMENT**

Local 715 objects that the request is “overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope.” It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) (“Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived.”); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) (“it is well-settled that all grounds for objection must be stated with specificity.”); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) (“The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request.”). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals’ discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is “vague, ambiguous, and

1 unintelligible” on the grounds that “it is in reference to include alleged action on behalf  
2 of multiple parties and at multiple periods of time.” This objection is itself unintelligible.  
3 The fact that a request calls for documents that relate to “multiple parties” or “multiple  
4 periods of time” is not a legitimate reason to refuse to respond. The subject matter of the  
5 request – the identity of counsel for Local 715 concerning the issues that are the subject  
6 of the complaint – is easily understood. Local 715’s assertion that the language used in  
7 the request is vague is without merit.

8 Local 715 asserts that production of documents is excused due to a privilege or  
9 other protection. The privileges and protections identified are the attorney-client  
10 privilege, the attorney work product doctrine, the National Labor Relations Act  
11 (“NLRA”) The First Amendment to the United States Constitution (“First Amendment”)  
12 and unspecified “public policy grounds.”

13 Initially, it is unclear (and Local 715 does not explain) why any of the requested  
14 documents would be privileged or protected by the First Amendment or the NLRA.  
15 Local 715 reference to “public policy” without identification whatsoever of the public  
16 policy that would prevent the disclosure of otherwise discoverable documents is not a  
17 valid ground for refusing to produce documents. However, even assuming that the First  
18 Amendment, the NLRA, or a “public policy” might privilege or protect some of the  
19 requested documents, the Federal Rules are clear that a party must do more than simply  
20 assert privileges or protections in order to preserve otherwise legitimate objections.

21 Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is  
22 withheld based on a claim of privilege or protection for trial preparation material (i.e.  
23 work product protection), the party must “describe the nature of the documents,  
24 communications, or tangible things not produced or disclosed – and do so in a manner  
25 that, without revealing information itself privileged or protected, will enable other parties  
26 to assess the claim.” F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or  
27 protection does not constitute a valid objection and may result in the waiver of any



1 privilege or protection that may exist. *Burlington Northern & Santa Fe Railway*  
 2 *Company v. United States District Court For The District Of Montana*, 408 F.3d 1142,  
 3 1147-1148 (9th Cir. 2005) (“boilerplate assertion of an evidentiary privilege in response  
 4 to a discovery request does not satisfy the demands of Rule 26(b)(5)”).

5 Local 715 has not even attempted to produce this required “privilege log” to  
 6 support its objections, and enable the Hospitals to evaluate its claims of privilege. Local  
 7 715 did not explain the categories of documents that are allegedly privileged or protected,  
 8 or even explain why the asserted privileges or protections are applicable to any  
 9 documents. Such patently insufficient objections are not only legally deficient, they are  
 10 indicative of bad faith and should result in the waiver of any privilege or protection that  
 11 may have otherwise existed (if any).

12 Local 715’s objections that production would violate the privacy rights of certain  
 13 unidentified third parties. In federal court cases such as the present one, where the  
 14 court’s jurisdiction is based on a federal question, federal, rather than state, privacy law  
 15 governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously,  
 16 where a party objects to discovery requests, those objections must be stated with  
 17 specificity. Here, as with Local 715’s other objections Local 715 has failed to provide  
 18 any specifics regarding the basis of its privacy objection. The objection is therefore  
 19 defective and waived. Furthermore, the right to privacy (to the extent that it applies here  
 20 at all) is not absolute, but must be weighed against the need for the information. *Ragge v.*  
 21 *MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715’s bare  
 22 assertion of third party privacy rights gives no means to evaluate the claim and balance it  
 23 against the Hospitals’ need for discovery.

24 Local 715 objects that the requested documents are not relevant. The documents,  
 25 however, pertain to existence and representative status of Local 715. The Court has  
 26 approved discovery on these issues.

27 Finally, there are responsive documents in the Hospitals’ possession that it



believes are in the possession of Local 715, but which were not produced. The Hospitals are in possession of letters and e-mails from representatives of Local 715 pertaining to the appointment of UHW employees to provide services to Local 715. [Ridley Decl. Exh. XX.] These documents were not produced by Local 715. It is likely that there are other documents not specifically known to the Hospitals, which were also not produced. Local 715 should be ordered to make a complete response to this request and sanctions should be imposed.

**REQUEST FOR PRODUCTION NO. 45:**

Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or other appointment of counsel by SEIU-UHW to provide services to LOCAL 715 RELATING TO the representation of any employees of RESPONDENT.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 45:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. This Request is vague as to the meaning of "assignment or other appointment of counsel by SEIU-UHW to provide services to LOCAL 715 RELATING TO the representation of any employee of RESPONDENT." Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

1 Discovery is continuing. Petitioner reserves the right to alter, amend, modify  
2 and/or supplement this response at a later time, up to and including at the time trial.

### 3 ARGUMENT

4 Local 715 objects that the request is “overbroad, unduly burdensome, onerous and  
5 vague and ambiguous as to time and scope.” It is well-established that a party responding  
6 to requests for admissions must do more than make generalized boilerplate claims of  
7 overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974  
8 (E.D.Cal. 2007) (Slip Op. at 10) (“Objections that are not sufficiently specific, such as  
9 statements that requests are overly broad, burdensome, or oppressive, are waived.”);  
10 *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) (“it is well-settled  
11 that all grounds for objection must be stated with specificity.”); *Josephs v. Harris*  
12 *Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) (“The litany of overly burdensome,  
13 oppressive, and irrelevant does not alone constitute a successful objection to a discovery  
14 request.”). Local 715 makes no attempt to describe the nature of the burden or  
15 oppression that would be visited upon it by complying with the Hospitals’ discovery  
16 requests. Nor does Local 715 attempt to quantify the degree of burden that it would  
17 experience.

18 Local 715 further objects that the request is “vague, ambiguous, and  
19 unintelligible” on the grounds that “it is in reference to include alleged action on behalf  
20 of multiple parties and at multiple periods of time.” This objection is itself unintelligible.  
21 The fact that a request calls for documents that relate to “multiple parties” or “multiple  
22 periods of time” is not a legitimate reason to refuse to respond. The subject matter of the  
23 request – the identity of counsel for Local 715 concerning the issues that are the subject  
24 of the complaint – is easily understood. Local 715’s assertion that the language used in  
25 the request is vague is without merit.

26 Local 715 asserts that production of documents is excused due to a privilege or  
27 other protection. The privileges and protections identified are the attorney-client

1 privilege, the attorney work product doctrine, the National Labor Relations Act  
2 (“NLRA”) The First Amendment to the United States Constitution (“First Amendment”)  
3 and unspecified “public policy grounds.”

4 Initially, it is unclear (and Local 715 does not explain) why any of the requested  
5 documents would be privileged or protected by the First Amendment or the NLRA.  
6 Local 715 reference to “public policy” without identification whatsoever of the public  
7 policy that would prevent the disclosure of otherwise discoverable documents is not a  
8 valid ground for refusing to produce documents. However, even assuming that the First  
9 Amendment, the NLRA, or a “public policy” might privilege or protect some of the  
10 requested documents, the Federal Rules are clear that a party must do more than simply  
11 assert privileges or protections in order to preserve otherwise legitimate objections.

12 Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is  
13 withheld based on a claim of privilege or protection for trial preparation material (i.e.  
14 work product protection), the party must “describe the nature of the documents,  
15 communications, or tangible things not produced or disclosed – and do so in a manner  
16 that, without revealing information itself privileged or protected, will enable other parties  
17 to assess the claim.” F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or  
18 protection does not constitute a valid objection and may result in the waiver of any  
19 privilege or protection that may exist. *Burlington Northern & Santa Fe Railway*  
20 *Company v. United States District Court For The District Of Montana*, 408 F.3d 1142,  
21 1147-1148 (9th Cir. 2005) (“boilerplate assertion of an evidentiary privilege in response  
22 to a discovery request does not satisfy the demands of Rule 26(b)(5)”).

23 Local 715 has not even attempted to produce this required “privilege log” to  
24 support its objections, and enable the Hospitals to evaluate its claims of privilege. Local  
25 715 did not explain the categories of documents that are allegedly privileged or protected,  
26 or even explain why the asserted privileges or protections are applicable to any  
27 documents. Such patently insufficient objections are not only legally deficient, they are



1 indicative of bad faith and should result in the waiver of any privilege or protection that  
2 may have otherwise existed (if any).

3 Local 715's objections that production would violate the privacy rights of certain  
4 unidentified third parties. In federal court cases such as the present one, where the  
5 court's jurisdiction is based on a federal question, federal, rather than state, privacy law  
6 governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously,  
7 where a party objects to discovery requests, those objections must be stated with  
8 specificity. Here, as with Local 715's other objections Local 715 has failed to provide  
9 any specifics regarding the basis of its privacy objection. The objection is therefore  
10 defective and waived. Furthermore, the right to privacy (to the extent that it applies here  
11 at all) is not absolute, but must be weighed against the need for the information. *Ragge v.*  
12 *MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare  
13 assertion of third party privacy rights gives no means to evaluate the claim and balance it  
14 against the Hospitals' need for discovery.

15 Local 715 objects that the requested documents are not relevant. The documents,  
16 however, pertain to the existence of and legal representation provided to Local 715. The  
17 Court has approved discovery on these issues.

18 **REQUEST FOR PRODUCTION NO. 48:**

19 Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 715's  
20 representation employees of Stanford University from January 2006 to the present.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 48:**

22 Petitioner objects to this Request on the grounds that is it overbroad, unduly  
23 burdensome, onerous and vague and ambiguous as to time and scope. This Request is  
24 vague, ambiguous, and unintelligible as it is in reference to include alleged action on  
25 behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot  
26 provide a complete response to this Request. This Request is vague as to the meaning of  
27 "representation." Petitioner objects on the ground that this Request exceeds the scope of



1 permissible discovery and is not likely to lead to the discovery of admissible evidence.  
 2 Petitioner also objects as this Request violates the privacy of third parties and that this  
 3 information is protected from disclosure by, including but not limited to the attorney  
 4 client privilege, work product doctrine, the National Labor Relations Act, the First  
 5 Amendment of the United States Constitution, and on public policy grounds. Petitioner  
 6 further objects to this Request on the ground that the matter seeks unreasonably to intrude  
 7 upon the right of privacy to the personal financial affairs of third parties.

8 Discovery is continuing. Petitioner reserves the right to alter, amend, modify  
 9 and/or supplement this response at a later time, up to and including at the time trial.

# 10 **ARGUMENT**

11 Local 715 objects that the request is “overbroad, unduly burdensome, onerous and  
 12 vague and ambiguous as to time and scope.” It is well-established that a party responding  
 13 to requests for admissions must do more than make generalized boilerplate claims of  
 14 overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974  
 15 (E.D.Cal. 2007) (Slip Op. at 10) (“Objections that are not sufficiently specific, such as  
 16 statements that requests are overly broad, burdensome, or oppressive, are waived.”);  
 17 *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) (“it is well-settled  
 18 that all grounds for objection must be stated with specificity.”); *Josephs v. Harris*  
 19 *Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) (“The litany of overly burdensome,  
 20 oppressive, and irrelevant does not alone constitute a successful objection to a discovery  
 21 request.”). Local 715 makes no attempt to describe the nature of the burden or  
 22 oppression that would be visited upon it by complying with the Hospitals’ discovery  
 23 requests. Nor does Local 715 attempt to quantify the degree of burden that it would  
 24 experience.

25 Local 715 further objects that the request is “vague, ambiguous, and  
 26 unintelligible” on the grounds that “it is in reference to include alleged action on behalf  
 27 of multiple parties and at multiple periods of time.” This objection is itself unintelligible.

1 The fact that a request calls for documents that relate to “multiple parties” or “multiple  
 2 periods of time” is not a legitimate reason to refuse to respond. The subject matter of the  
 3 request – the identity of counsel for Local 715 concerning the issues that are the subject  
 4 of the complaint – is easily understood. Local 715’s assertion that the language used in  
 5 the request is vague is without merit.

6 Local 715 asserts that production of documents is excused due to a privilege or  
 7 other protection. The privileges and protections identified are the attorney-client  
 8 privilege, the attorney work product doctrine, the National Labor Relations Act  
 9 (“NLRA”) The First Amendment to the United States Constitution (“First Amendment”)  
 10 and unspecified “public policy grounds.”

11 Initially, it is unclear (and Local 715 does not explain) why any of the requested  
 12 documents would be privileged or protected by the First Amendment or the NLRA.  
 13 Local 715 reference to “public policy” without identification whatsoever of the public  
 14 policy that would prevent the disclosure of otherwise discoverable documents is not a  
 15 valid ground for refusing to produce documents. However, even assuming that the First  
 16 Amendment, the NLRA, or a “public policy” might privilege or protect some of the  
 17 requested documents, the Federal Rules are clear that a party must do more than simply  
 18 assert privileges or protections in order to preserve otherwise legitimate objections.

19 Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is  
 20 withheld based on a claim of privilege or protection for trial preparation material (i.e.  
 21 work product protection), the party must “describe the nature of the documents,  
 22 communications, or tangible things not produced or disclosed – and do so in a manner  
 23 that, without revealing information itself privileged or protected, will enable other parties  
 24 to assess the claim.” F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or  
 25 protection does not constitute a valid objection and may result in the waiver of any  
 26 privilege or protection that may exist. *Burlington Northern & Santa Fe Railway*  
 27 *Company v. United States District Court For The District Of Montana*, 408 F.3d 1142,

1 1147-1148 (9th Cir. 2005) (“boilerplate assertion of an evidentiary privilege in response  
2 to a discovery request does not satisfy the demands of Rule 26(b)(5)”).

3 Local 715 has not even attempted to produce this required “privilege log” to  
4 support its objections, and enable the Hospitals to evaluate its claims of privilege. Local  
5 715 did not explain the categories of documents that are allegedly privileged or protected,  
6 or even explain why the asserted privileges or protections are applicable to any  
7 documents. Such patently insufficient objections are not only legally deficient, they are  
8 indicative of bad faith and should result in the waiver of any privilege or protection that  
9 may have otherwise existed (if any).

10 Local 715’s objections that production would violate the privacy rights of certain  
11 unidentified third parties. In federal court cases such as the present one, where the  
12 court’s jurisdiction is based on a federal question, federal, rather than state, privacy law  
13 governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously,  
14 where a party objects to discovery requests, those objections must be stated with  
15 specificity. Here, as with Local 715’s other objections Local 715 has failed to provide  
16 any specifics regarding the basis of its privacy objection. The objection is therefore  
17 defective and waived. Furthermore, the right to privacy (to the extent that it applies here  
18 at all) is not absolute, but must be weighed against the need for the information. *Ragge v.*  
19 *MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715’s bare  
20 assertion of third party privacy rights gives no means to evaluate the claim and balance it  
21 against the Hospitals’ need for discovery.

22 Local 715 objects that the requested documents are not relevant. The documents,  
23 however, pertain to existence and representative status of Local 715. The Court has  
24 approved discovery on these issues.

25 Finally, there are responsive documents in the Hospitals’ possession that it  
26 believes are in the possession of Local 715, but which were not produced. The Hospitals  
27 are in possession of letters to and from Local 715 or its representatives relating to Local  
28



1 715's representation of employees, internal SEIU documents referencing Local 715's  
2 representation of Hospital employees and the transfer of such representative status to  
3 UHW, and images from Local 715's website containing statements relating to Local  
4 715's representation of Hospital employees. [Ridley Decl. Exh. ZZ & CCC.] These  
5 documents were not produced by Local 715. It is likely that there are other documents  
6 not specifically known to the Hospitals, which were also not produced. Local 715 should  
7 be ordered to make a complete response to this request and sanctions should be imposed.

8 **REQUEST FOR PRODUCTION NO. 49:**

9 Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 715's  
10 representation employees of Santa Clara University from January 2006 to the present.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 49:**

12 Petitioner objects to this Request on the grounds that is it overbroad, unduly  
13 burdensome, onerous and vague and ambiguous as to time and scope. This Request is  
14 vague, ambiguous, and unintelligible as it is in reference to include alleged action on  
15 behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot  
16 provide a complete response to this Request. This Request is vague as to the meaning of  
17 "representation." Petitioner objects on the ground that this Request exceeds the scope of  
18 permissible discovery and is not likely to lead to the discovery of admissible evidence.  
19 Petitioner also objects as this Request violates the privacy of third parties and that this  
20 information is protected from disclosure by, including but not limited to the attorney  
21 client privilege, work product doctrine, the National Labor Relations Act, the First  
22 Amendment of the United States Constitution, and on public policy grounds. Petitioner  
23 further objects to this Request on the ground that the matter seeks unreasonably to intrude  
24 upon the right of privacy to the personal financial affairs of third parties.

25 Discovery is continuing. Petitioner reserves the right to alter, amend, modify  
26 and/or supplement this response at a later time, up to and including at the time trial.



1 **ARGUMENT**

2 Local 715 objects that the request is “overbroad, unduly burdensome, onerous and  
3 vague and ambiguous as to time and scope.” It is well-established that a party responding  
4 to requests for admissions must do more than make generalized boilerplate claims of  
5 overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974  
6 (E.D.Cal. 2007) (Slip Op. at 10) (“Objections that are not sufficiently specific, such as  
7 statements that requests are overly broad, burdensome, or oppressive, are waived.”);  
8 *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) (“it is well-settled  
9 that all grounds for objection must be stated with specificity.”); *Josephs v. Harris*  
10 *Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) (“The litany of overly burdensome,  
11 oppressive, and irrelevant does not alone constitute a successful objection to a discovery  
12 request.”). Local 715 makes no attempt to describe the nature of the burden or  
13 oppression that would be visited upon it by complying with the Hospitals’ discovery  
14 requests. Nor does Local 715 attempt to quantify the degree of burden that it would  
15 experience.

16 Local 715 further objects that the request is “vague, ambiguous, and  
17 unintelligible” on the grounds that “it is in reference to include alleged action on behalf  
18 of multiple parties and at multiple periods of time.” This objection is itself unintelligible.  
19 The fact that a request calls for documents that relate to “multiple parties” or “multiple  
20 periods of time” is not a legitimate reason to refuse to respond. The subject matter of the  
21 request – the identity of counsel for Local 715 concerning the issues that are the subject  
22 of the complaint – is easily understood. Local 715’s assertion that the language used in  
23 the request is vague is without merit.

24 Local 715 asserts that production of documents is excused due to a privilege or  
25 other protection. The privileges and protections identified are the attorney-client  
26 privilege, the attorney work product doctrine, the National Labor Relations Act  
27 (“NLRA”) The First Amendment to the United States Constitution (“First Amendment”)  
28

1 and unspecified “public policy grounds.”

2 Initially, it is unclear (and Local 715 does not explain) why any of the requested  
3 documents would be privileged or protected by the First Amendment or the NLRA.  
4 Local 715 reference to “public policy” without identification whatsoever of the public  
5 policy that would prevent the disclosure of otherwise discoverable documents is not a  
6 valid ground for refusing to produce documents. However, even assuming that the First  
7 Amendment, the NLRA, or a “public policy” might privilege or protect some of the  
8 requested documents, the Federal Rules are clear that a party must do more than simply  
9 assert privileges or protections in order to preserve otherwise legitimate objections.

10 Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is  
11 withheld based on a claim of privilege or protection for trial preparation material (i.e.  
12 work product protection), the party must “describe the nature of the documents,  
13 communications, or tangible things not produced or disclosed – and do so in a manner  
14 that, without revealing information itself privileged or protected, will enable other parties  
15 to assess the claim.” F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or  
16 protection does not constitute a valid objection and may result in the waiver of any  
17 privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company*  
18 *v. United States District Court For The District Of Montana*, 408 F.3d 1142, 1147-1148  
19 (9th Cir. 2005) (“boilerplate assertion of an evidentiary privilege in response to a  
20 discovery request does not satisfy the demands of Rule 26(b)(5)”).

21 Local 715 has not even attempted to produce this required “privilege log” to  
22 support its objections, and enable the Hospitals to evaluate its claims of privilege. Local  
23 715 did not explain the categories of documents that are allegedly privileged or protected,  
24 or even explain why the asserted privileges or protections are applicable to any  
25 documents. Such patently insufficient objections are not only legally deficient, they are  
26 indicative of bad faith and should result in the waiver of any privilege or protection that  
27 may have otherwise existed (if any).

Local 715's objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court's jurisdiction is based on a federal question, federal, rather than state, privacy law governs. *Thomas*, supra, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715's other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to the existence of Local 715. The Court has approved discovery on these issues.

**REQUEST FOR PRODUCTION NO. 50:**

Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or other appointment of any employee of LOCAL 1877 (or any other LOCAL) to provide services to LOCAL 715 RELATING TO the representation of any employees of Stanford University from January 2006 to the present.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 50:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. This Request is vague as to the meaning of "assignment or other appointment of any employee of LOCAL 1877 (or any other



LOCAL) to provide services”. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

### **ARGUMENT**

Local 715 objects that the request is “overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope.” It is well-established that a party responding to requests for admissions must do more than make generalized boilerplate claims of overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974 (E.D.Cal. 2007) (Slip Op. at 10) (“Objections that are not sufficiently specific, such as statements that requests are overly broad, burdensome, or oppressive, are waived.”); *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) (“it is well-settled that all grounds for objection must be stated with specificity.”); *Josephs v. Harris Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) (“The litany of overly burdensome, oppressive, and irrelevant does not alone constitute a successful objection to a discovery request.”). Local 715 makes no attempt to describe the nature of the burden or oppression that would be visited upon it by complying with the Hospitals’ discovery requests. Nor does Local 715 attempt to quantify the degree of burden that it would experience.

Local 715 further objects that the request is “vague, ambiguous, and unintelligible” on the grounds that “it is in reference to include alleged action on behalf



1 of multiple parties and at multiple periods of time.” This objection is itself unintelligible.  
 2 The fact that a request calls for documents that relate to “multiple parties” or “multiple  
 3 periods of time” is not a legitimate reason to refuse to respond. The subject matter of the  
 4 request – the identity of counsel for Local 715 concerning the issues that are the subject  
 5 of the complaint – is easily understood. Local 715’s assertion that the language used in  
 6 the request is vague is without merit.

7 Local 715 asserts that production of documents is excused due to a privilege or  
 8 other protection. The privileges and protections identified are the attorney-client  
 9 privilege, the attorney work product doctrine, the National Labor Relations Act  
 10 (“NLRA”) The First Amendment to the United States Constitution (“First Amendment”)  
 11 and unspecified “public policy grounds.”

12 Initially, it is unclear (and Local 715 does not explain) why any of the requested  
 13 documents would be privileged or protected by the First Amendment or the NLRA.  
 14 Local 715 reference to “public policy” without identification whatsoever of the public  
 15 policy that would prevent the disclosure of otherwise discoverable documents is not a  
 16 valid ground for refusing to produce documents. However, even assuming that the First  
 17 Amendment, the NLRA, or a “public policy” might privilege or protect some of the  
 18 requested documents, the Federal Rules are clear that a party must do more than simply  
 19 assert privileges or protections in order to preserve otherwise legitimate objections.

20 Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is  
 21 withheld based on a claim of privilege or protection for trial preparation material (i.e.  
 22 work product protection), the party must “describe the nature of the documents,  
 23 communications, or tangible things not produced or disclosed – and do so in a manner  
 24 that, without revealing information itself privileged or protected, will enable other parties  
 25 to assess the claim.” F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or  
 26 protection does not constitute a valid objection and may result in the waiver of any  
 27 privilege or protection that may exist. *Burlington Northern & Santa Fe Railway*

1 *Company v. United States District Court For The District Of Montana*, 408 F.3d 1142,  
 2 1147-1148 (9th Cir. 2005) (“boilerplate assertion of an evidentiary privilege in response  
 3 to a discovery request does not satisfy the demands of Rule 26(b)(5)”).

4 Local 715 has not even attempted to produce this required “privilege log” to  
 5 support its objections, and enable the Hospitals to evaluate its claims of privilege. Local  
 6 715 did not explain the categories of documents that are allegedly privileged or protected,  
 7 or even explain why the asserted privileges or protections are applicable to any  
 8 documents. Such patently insufficient objections are not only legally deficient, they are  
 9 indicative of bad faith and should result in the waiver of any privilege or protection that  
 10 may have otherwise existed (if any).

11 Local 715’s objections that production would violate the privacy rights of certain  
 12 unidentified third parties. In federal court cases such as the present one, where the  
 13 court’s jurisdiction is based on a federal question, federal, rather than state, privacy law  
 14 governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously,  
 15 where a party objects to discovery requests, those objections must be stated with  
 16 specificity. Here, as with Local 715’s other objections Local 715 has failed to provide  
 17 any specifics regarding the basis of its privacy objection. The objection is therefore  
 18 defective and waived. Furthermore, the right to privacy (to the extent that it applies here  
 19 at all) is not absolute, but must be weighed against the need for the information. *Ragge v.*  
 20 *MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715’s bare  
 21 assertion of third party privacy rights gives no means to evaluate the claim and balance it  
 22 against the Hospitals’ need for discovery.

23 Local 715 objects that the requested documents are not relevant. The documents,  
 24 however, pertain to the existence and representative status of Local 715. The Court has  
 25 approved discovery on these issues.

26 **REQUEST FOR PRODUCTION NO. 51:**

27 Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or

1 other appointment of any employee of LOCAL 1877 (or any other LOCAL) to provide  
 2 services to LOCAL 715 RELATING TO the representation of any employees of Santa  
 3 Clara University from January 2006 to the present.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 51:**

5 Petitioner objects to this Request on the grounds that is it overbroad, unduly  
 6 burdensome, onerous and vague and ambiguous as to time and scope. This Request is  
 7 vague, ambiguous, and unintelligible as it is in reference to include alleged action on  
 8 behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot  
 9 provide a complete response to this Request. This Request is vague as to the meaning of  
 10 "assignment or other appointment of any employee of LOCAL 1877 (or any other  
 11 LOCAL) to provide services". Petitioner objects on the ground that this Request exceeds  
 12 the scope of permissible discovery and is not likely to lead to the discovery of admissible  
 13 evidence. Petitioner also objects as this Request violates the privacy of third parties and  
 14 that this information is protected from disclosure by, including but not limited to the  
 15 attorney client privilege, work product doctrine, the National Labor Relations Act, the  
 16 First Amendment of the United States Constitution, and on public policy grounds.  
 17 Petitioner further objects to this Request on the ground that the matter seeks unreasonably  
 18 to intrude upon the right of privacy to the personal financial affairs of third parties.

19 Discovery is continuing. Petitioner reserves the right to alter, amend, modify  
 20 and/or supplement this response at a later time, up to and including at the time trial.

21 **ARGUMENT**

22 Local 715 objects that the request is "overbroad, unduly burdensome, onerous and  
 23 vague and ambiguous as to time and scope." It is well-established that a party responding  
 24 to requests for admissions must do more than make generalized boilerplate claims of  
 25 overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974  
 26 (E.D.Cal. 2007) (Slip Op. at 10) ("Objections that are not sufficiently specific, such as  
 27 statements that requests are overly broad, burdensome, or oppressive, are waived.");



1 *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) (“it is well-settled  
2 that all grounds for objection must be stated with specificity.”); *Josephs v. Harris*  
3 *Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) (“The litany of overly burdensome,  
4 oppressive, and irrelevant does not alone constitute a successful objection to a discovery  
5 request.”). Local 715 makes no attempt to describe the nature of the burden or  
6 oppression that would be visited upon it by complying with the Hospitals’ discovery  
7 requests. Nor does Local 715 attempt to quantify the degree of burden that it would  
8 experience.

9 Local 715 further objects that the request is “vague, ambiguous, and  
10 unintelligible” on the grounds that “it is in reference to include alleged action on behalf  
11 of multiple parties and at multiple periods of time.” This objection is itself unintelligible.  
12 The fact that a request calls for documents that relate to “multiple parties” or “multiple  
13 periods of time” is not a legitimate reason to refuse to respond. The subject matter of the  
14 request – the identity of counsel for Local 715 concerning the issues that are the subject  
15 of the complaint – is easily understood. Local 715’s assertion that the language used in  
16 the request is vague is without merit.

17 Local 715 asserts that production of documents is excused due to a privilege or  
18 other protection. The privileges and protections identified are the attorney-client  
19 privilege, the attorney work product doctrine, the National Labor Relations Act  
20 (“NLRA”) The First Amendment to the United States Constitution (“First Amendment”)  
21 and unspecified “public policy grounds.”

22 Initially, it is unclear (and Local 715 does not explain) why any of the requested  
23 documents would be privileged or protected by the First Amendment or the NLRA.  
24 Local 715 reference to “public policy” without identification whatsoever of the public  
25 policy that would prevent the disclosure of otherwise discoverable documents is not a  
26 valid ground for refusing to produce documents. However, even assuming that the First  
27 Amendment, the NLRA, or a “public policy” might privilege or protect some of the



1 requested documents, the Federal Rules are clear that a party must do more than simply  
2 assert privileges or protections in order to preserve otherwise legitimate objections.

3 Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is  
4 withheld based on a claim of privilege or protection for trial preparation material (i.e.  
5 work product protection), the party must “describe the nature of the documents,  
6 communications, or tangible things not produced or disclosed – and do so in a manner  
7 that, without revealing information itself privileged or protected, will enable other parties  
8 to assess the claim.” F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or  
9 protection does not constitute a valid objection and may result in the waiver of any  
10 privilege or protection that may exist. *Burlington Northern & Santa Fe Railway*  
11 *Company v. United States District Court For The District Of Montana*, 408 F.3d 1142,  
12 1147-1148 (9th Cir. 2005) (“boilerplate assertion of an evidentiary privilege in response  
13 to a discovery request does not satisfy the demands of Rule 26(b)(5)”).

14 Local 715 has not even attempted to produce this required “privilege log” to  
15 support its objections, and enable the Hospitals to evaluate its claims of privilege. Local  
16 715 did not explain the categories of documents that are allegedly privileged or protected,  
17 or even explain why the asserted privileges or protections are applicable to any  
18 documents. Such patently insufficient objections are not only legally deficient, they are  
19 indicative of bad faith and should result in the waiver of any privilege or protection that  
20 may have otherwise existed (if any).

21 Local 715’s objections that production would violate the privacy rights of certain  
22 unidentified third parties. In federal court cases such as the present one, where the  
23 court’s jurisdiction is based on a federal question, federal, rather than state, privacy law  
24 governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously,  
25 where a party objects to discovery requests, those objections must be stated with  
26 specificity. Here, as with Local 715’s other objections Local 715 has failed to provide  
27 any specifics regarding the basis of its privacy objection. The objection is therefore

defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v. MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare assertion of third party privacy rights gives no means to evaluate the claim and balance it against the Hospitals' need for discovery.

Local 715 objects that the requested documents are not relevant. The documents, however, pertain to the existence of Local 715. The Court has approved discovery on these issues.

**REQUEST FOR PRODUCTION NO. 52:**

Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence between LOCAL 1877 (and/or any other LOCAL) and LOCAL 715 RELATING TO the representation of any employees of Stanford University from January 2006 to the present.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 52:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. This Request is vague as to "and/or any other LOCAL". Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify

1 and/or supplement this response at a later time, up to and including at the time trial.

2 **ARGUMENT**

3 Local 715 objects that the request is “overbroad, unduly burdensome, onerous and  
4 vague and ambiguous as to time and scope.” It is well-established that a party responding  
5 to requests for admissions must do more than make generalized boilerplate claims of  
6 overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974  
7 (E.D.Cal. 2007) (Slip Op. at 10) (“Objections that are not sufficiently specific, such as  
8 statements that requests are overly broad, burdensome, or oppressive, are waived.”);  
9 *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) (“it is well-settled  
10 that all grounds for objection must be stated with specificity.”); *Josephs v. Harris*  
11 *Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) (“The litany of overly burdensome,  
12 oppressive, and irrelevant does not alone constitute a successful objection to a discovery  
13 request.”). Local 715 makes no attempt to describe the nature of the burden or  
14 oppression that would be visited upon it by complying with the Hospitals’ discovery  
15 requests. Nor does Local 715 attempt to quantify the degree of burden that it would  
16 experience.

17 Local 715 further objects that the request is “vague, ambiguous, and  
18 unintelligible” on the grounds that “it is in reference to include alleged action on behalf  
19 of multiple parties and at multiple periods of time.” This objection is itself unintelligible.  
20 The fact that a request calls for documents that relate to “multiple parties” or “multiple  
21 periods of time” is not a legitimate reason to refuse to respond. The subject matter of the  
22 request – the identity of counsel for Local 715 concerning the issues that are the subject  
23 of the complaint – is easily understood. Local 715’s assertion that the language used in  
24 the request is vague is without merit.

25 Local 715 asserts that production of documents is excused due to a privilege or  
26 other protection. The privileges and protections identified are the attorney-client  
27 privilege, the attorney work product doctrine, the National Labor Relations Act



1 (“NLRA”) The First Amendment to the United States Constitution (“First Amendment”)  
 2 and unspecified “public policy grounds.”

3 Initially, it is unclear (and Local 715 does not explain) why any of the requested  
 4 documents would be privileged or protected by the First Amendment or the NLRA.  
 5 Local 715 reference to “public policy” without identification whatsoever of the public  
 6 policy that would prevent the disclosure of otherwise discoverable documents is not a  
 7 valid ground for refusing to produce documents. However, even assuming that the First  
 8 Amendment, the NLRA, or a “public policy” might privilege or protect some of the  
 9 requested documents, the Federal Rules are clear that a party must do more than simply  
 10 assert privileges or protections in order to preserve otherwise legitimate objections.

11 Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is  
 12 withheld based on a claim of privilege or protection for trial preparation material (i.e.  
 13 work product protection), the party must “describe the nature of the documents,  
 14 communications, or tangible things not produced or disclosed – and do so in a manner  
 15 that, without revealing information itself privileged or protected, will enable other parties  
 16 to assess the claim.” F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or  
 17 protection does not constitute a valid objection and may result in the waiver of any  
 18 privilege or protection that may exist. *Burlington Northern & Santa Fe Railway*  
 19 *Company v. United States District Court For The District Of Montana*, 408 F.3d 1142,  
 20 1147-1148 (9th Cir. 2005) (“boilerplate assertion of an evidentiary privilege in response  
 21 to a discovery request does not satisfy the demands of Rule 26(b)(5)”).

22 Local 715 has not even attempted to produce this required “privilege log” to  
 23 support its objections, and enable the Hospitals to evaluate its claims of privilege. Local  
 24 715 did not explain the categories of documents that are allegedly privileged or protected,  
 25 or even explain why the asserted privileges or protections are applicable to any  
 26 documents. Such patently insufficient objections are not only legally deficient, they are  
 27 indicative of bad faith and should result in the waiver of any privilege or protection that



1 may have otherwise existed (if any).

2 Local 715's objections that production would violate the privacy rights of certain  
3 unidentified third parties. In federal court cases such as the present one, where the  
4 court's jurisdiction is based on a federal question, federal, rather than state, privacy law  
5 governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously,  
6 where a party objects to discovery requests, those objections must be stated with  
7 specificity. Here, as with Local 715's other objections Local 715 has failed to provide  
8 any specifics regarding the basis of its privacy objection. The objection is therefore  
9 defective and waived. Furthermore, the right to privacy (to the extent that it applies here  
10 at all) is not absolute, but must be weighed against the need for the information. *Ragge v.*  
11 *MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare  
12 assertion of third party privacy rights gives no means to evaluate the claim and balance it  
13 against the Hospitals' need for discovery.

14 Local 715 objects that the requested documents are not relevant. The documents,  
15 however, pertain to the existence of Local 715. The Court has approved discovery on  
16 these issues.

17 **REQUEST FOR PRODUCTION NO. 53:**

18 Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence  
19 between LOCAL 1877 (and/or any other LOCAL) and LOCAL 715 RELATING TO the  
20 representation of any employees of Santa Clara University from January 2006 to the  
21 present.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 53:**

23 Petitioner objects to this Request on the grounds that is it overbroad, unduly  
24 burdensome, onerous and vague and ambiguous as to time and scope. This Request is  
25 vague, ambiguous, and unintelligible as it is in reference to include alleged action on  
26 behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot  
27 provide a complete response to this Request. This Request is vague as to the meaning of

1 “and/or any other LOCAL”. Petitioner objects on the ground that this Request exceeds  
 2 the scope of permissible discovery and is not likely to lead to the discovery of admissible  
 3 evidence. Petitioner also objects as this Request violates the privacy of third parties and  
 4 that this information is protected from disclosure by, including but not limited to the  
 5 attorney client privilege, work product doctrine, the National Labor Relations Act, the  
 6 First Amendment of the United States Constitution, and on public policy grounds.  
 7 Petitioner further objects to this Request on the ground that the matter seeks unreasonably  
 8 to intrude upon the right of privacy to the personal financial affairs of third parties.

9 Discovery is continuing. Petitioner reserves the right to alter, amend, modify  
 10 and/or supplement this response at a later time, up to and including at the time trial.

# 11 ARGUMENT

12 Local 715 objects that the request is “overbroad, unduly burdensome, onerous and  
 13 vague and ambiguous as to time and scope.” It is well-established that a party responding  
 14 to requests for admissions must do more than make generalized boilerplate claims of  
 15 overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974  
 16 (E.D.Cal. 2007) (Slip Op. at 10) (“Objections that are not sufficiently specific, such as  
 17 statements that requests are overly broad, burdensome, or oppressive, are waived.”);  
 18 *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) (“it is well-settled  
 19 that all grounds for objection must be stated with specificity.”); *Josephs v. Harris*  
 20 *Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) (“The litany of overly burdensome,  
 21 oppressive, and irrelevant does not alone constitute a successful objection to a discovery  
 22 request.”). Local 715 makes no attempt to describe the nature of the burden or  
 23 oppression that would be visited upon it by complying with the Hospitals’ discovery  
 24 requests. Nor does Local 715 attempt to quantify the degree of burden that it would  
 25 experience.

26 Local 715 further objects that the request is “vague, ambiguous, and  
 27 unintelligible” on the grounds that “it is in reference to include alleged action on behalf  
 28

1 of multiple parties and at multiple periods of time.” This objection is itself unintelligible.  
 2 The fact that a request calls for documents that relate to “multiple parties” or “multiple  
 3 periods of time” is not a legitimate reason to refuse to respond. The subject matter of the  
 4 request – the identity of counsel for Local 715 concerning the issues that are the subject  
 5 of the complaint – is easily understood. Local 715’s assertion that the language used in  
 6 the request is vague is without merit.

7 Local 715 asserts that production of documents is excused due to a privilege or  
 8 other protection. The privileges and protections identified are the attorney-client  
 9 privilege, the attorney work product doctrine, the National Labor Relations Act  
 10 (“NLRA”) The First Amendment to the United States Constitution (“First Amendment”)  
 11 and unspecified “public policy grounds.”

12 Initially, it is unclear (and Local 715 does not explain) why any of the requested  
 13 documents would be privileged or protected by the First Amendment or the NLRA.  
 14 Local 715 reference to “public policy” without identification whatsoever of the public  
 15 policy that would prevent the disclosure of otherwise discoverable documents is not a  
 16 valid ground for refusing to produce documents. However, even assuming that the First  
 17 Amendment, the NLRA, or a “public policy” might privilege or protect some of the  
 18 requested documents, the Federal Rules are clear that a party must do more than simply  
 19 assert privileges or protections in order to preserve otherwise legitimate objections.

20 Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is  
 21 withheld based on a claim of privilege or protection for trial preparation material (i.e.  
 22 work product protection), the party must “describe the nature of the documents,  
 23 communications, or tangible things not produced or disclosed – and do so in a manner  
 24 that, without revealing information itself privileged or protected, will enable other parties  
 25 to assess the claim.” F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or  
 26 protection does not constitute a valid objection and may result in the waiver of any  
 27 privilege or protection that may exist. *Burlington Northern & Santa Fe Railway*



1 *Company v. United States District Court For The District Of Montana*, 408 F.3d 1142,  
 2 1147-1148 (9th Cir. 2005) (“boilerplate assertion of an evidentiary privilege in response  
 3 to a discovery request does not satisfy the demands of Rule 26(b)(5)”).

4 Local 715 has not even attempted to produce this required “privilege log” to  
 5 support its objections, and enable the Hospitals to evaluate its claims of privilege. Local  
 6 715 did not explain the categories of documents that are allegedly privileged or protected,  
 7 or even explain why the asserted privileges or protections are applicable to any  
 8 documents. Such patently insufficient objections are not only legally deficient, they are  
 9 indicative of bad faith and should result in the waiver of any privilege or protection that  
 10 may have otherwise existed (if any).

11 Local 715’s objections that production would violate the privacy rights of certain  
 12 unidentified third parties. In federal court cases such as the present one, where the  
 13 court’s jurisdiction is based on a federal question, federal, rather than state, privacy law  
 14 governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously,  
 15 where a party objects to discovery requests, those objections must be stated with  
 16 specificity. Here, as with Local 715’s other objections Local 715 has failed to provide  
 17 any specifics regarding the basis of its privacy objection. The objection is therefore  
 18 defective and waived. Furthermore, the right to privacy (to the extent that it applies here  
 19 at all) is not absolute, but must be weighed against the need for the information. *Ragge v.*  
 20 *MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715’s bare  
 21 assertion of third party privacy rights gives no means to evaluate the claim and balance it  
 22 against the Hospitals’ need for discovery.

23 Local 715 objects that the requested documents are not relevant. The documents,  
 24 however, pertain to the existence of Local 715. The Court has approved discovery on  
 25 these issues.

26 **REQUEST FOR PRODUCTION NO. 56:**

27 Produce all DOCUMENTS and WRITINGS RELATING TO any exchange of



1 funds between LOCAL 1877 (and/or any other LOCAL) and LOCAL 715 (including,  
2 without limitation, any transfer of funds, payment of funds and/or receipt of funds).

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 56:**

4 Petitioner objects to this Request on the grounds that is it overbroad, unduly  
5 burdensome, onerous and vague and ambiguous as to time and scope. This Request is  
6 vague, ambiguous, and unintelligible as it is in reference to include alleged action on  
7 behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot  
8 provide a complete response to this Request. This Request is vague as to the meaning of  
9 “exchange of funds.” Petitioner objects on the ground that this Request exceeds the  
10 scope of permissible discovery and is not likely to lead to the discovery of admissible  
11 evidence. Petitioner also objects as this Request violates the privacy of third parties and  
12 that this information is protected from disclosure by, including but not limited to the  
13 attorney client privilege, work product doctrine, the National Labor Relations Act, the  
14 First Amendment of the United States Constitution, and on public policy grounds.  
15 Petitioner further objects to this Request on the ground that the matter seeks unreasonably  
16 to intrude upon the right of privacy to the personal financial affairs of third parties.

17 Discovery is continuing. Petitioner reserves the right to alter, amend, modify  
18 and/or supplement this response at a later time, up to and including at the time trial.

19 **ARGUMENT**

20 Local 715 objects that the request is “overbroad, unduly burdensome, onerous and  
21 vague and ambiguous as to time and scope.” It is well-established that a party responding  
22 to requests for admissions must do more than make generalized boilerplate claims of  
23 overbreadth, undue burden or vagueness. *Thomas v. Hickman*, 2007 WL 4302974  
24 (E.D.Cal. 2007) (Slip Op. at 10) (“Objections that are not sufficiently specific, such as  
25 statements that requests are overly broad, burdensome, or oppressive, are waived.”);  
26 *Ramirez v. City Of Los Angeles*, 231 F.R.D. 407, 409 (E.D.Cal. 2005) (“it is well-settled  
27 that all grounds for objection must be stated with specificity.”); *Josephs v. Harris*

1 *Corporation*, 677 F.2d 985, 992 (3d Cir. 1982) (“The litany of overly burdensome,  
2 oppressive, and irrelevant does not alone constitute a successful objection to a discovery  
3 request.”). Local 715 makes no attempt to describe the nature of the burden or  
4 oppression that would be visited upon it by complying with the Hospitals’ discovery  
5 requests. Nor does Local 715 attempt to quantify the degree of burden that it would  
6 experience.

7 Local 715 further objects that the request is “vague, ambiguous, and  
8 unintelligible” on the grounds that “it is in reference to include alleged action on behalf  
9 of multiple parties and at multiple periods of time.” This objection is itself unintelligible.  
10 The fact that a request calls for documents that relate to “multiple parties” or “multiple  
11 periods of time” is not a legitimate reason to refuse to respond. The subject matter of the  
12 request – the identity of counsel for Local 715 concerning the issues that are the subject  
13 of the complaint – is easily understood. Local 715’s assertion that the language used in  
14 the request is vague is without merit.

15 Local 715 asserts that production of documents is excused due to a privilege or  
16 other protection. The privileges and protections identified are the attorney-client  
17 privilege, the attorney work product doctrine, the National Labor Relations Act  
18 (“NLRA”) The First Amendment to the United States Constitution (“First Amendment”)  
19 and unspecified “public policy grounds.”

20 Initially, it is unclear (and Local 715 does not explain) why any of the requested  
21 documents would be privileged or protected by the First Amendment or the NLRA.  
22 Local 715 reference to “public policy” without identification whatsoever of the public  
23 policy that would prevent the disclosure of otherwise discoverable documents is not a  
24 valid ground for refusing to produce documents. However, even assuming that the First  
25 Amendment, the NLRA, or a “public policy” might privilege or protect some of the  
26 requested documents, the Federal Rules are clear that a party must do more than simply  
27 assert privileges or protections in order to preserve otherwise legitimate objections.

Rule 26(b)(5)(A) expressly states that where otherwise discoverable information is withheld based on a claim of privilege or protection for trial preparation material (i.e. work product protection), the party must “describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim.” F.R.Civ.P. 26(b)(5)(A)(ii). The bare invocation of a privilege or protection does not constitute a valid objection and may result in the waiver of any privilege or protection that may exist. *Burlington Northern & Santa Fe Railway Company v. United States District Court For The District Of Montana*, 408 F.3d 1142, 1147-1148 (9th Cir. 2005) (“boilerplate assertion of an evidentiary privilege in response to a discovery request does not satisfy the demands of Rule 26(b)(5)”).

Local 715 has not even attempted to produce this required “privilege log” to support its objections, and enable the Hospitals to evaluate its claims of privilege. Local 715 did not explain the categories of documents that are allegedly privileged or protected, or even explain why the asserted privileges or protections are applicable to any documents. Such patently insufficient objections are not only legally deficient, they are indicative of bad faith and should result in the waiver of any privilege or protection that may have otherwise existed (if any).


Local 715’s objections that production would violate the privacy rights of certain unidentified third parties. In federal court cases such as the present one, where the court’s jurisdiction is based on a federal question, federal, rather than state, privacy law governs. *Thomas, supra*, 2007 WL 4302974, (Slip Op. at 3-4). As noted previously, where a party objects to discovery requests, those objections must be stated with specificity. Here, as with Local 715’s other objections Local 715 has failed to provide any specifics regarding the basis of its privacy objection. The objection is therefore defective and waived. Furthermore, the right to privacy (to the extent that it applies here at all) is not absolute, but must be weighed against the need for the information. *Ragge v.*

1 *MCA Universal Studios*, 165 F.R.D. 601, 604-605 (C.D. Cal. 1995). Local 715's bare  
2 assertion of third party privacy rights gives no means to evaluate the claim and balance it  
3 against the Hospitals' need for discovery.

4 Local 715 objects that the requested documents are not relevant. The documents,  
5 however, pertain to the existence of Local 715. The Court has approved discovery on  
6 these issues.

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8 Dated: July 10, 2008

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